LEGISLATIVE HISTORY

Public Law 672
H. R. 7732

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INDEX AND SUMMARY OF H. R. 7732

July 29, 1955	Rep. Haley introduced H.R. 7732 which was referred to the House Committee on Interstate and Foreign Commerce. Print of bill as introduced.
Mar. 29, 1956	House committee reported H. R. 7732 with amendment. House Report No. 1982. Print of bill and report.
Apr. 16, 1956	House passed H. R. 7732 as reported.
Apr. 18, 1956	H. R. 7732 was referred to the Senate Labor and Public Welfare Committee. Print of bill as referred.
June 28, 1956	Senate committee ordered H. R. 7732 reported without amendment.
June 29, 1956	Senate committee reported without amendment H. R. 7732. Senate Report No. 2391. Print of bill and report.
July 2, 1956	Senate passed H. R. 7732 without amendment.
July 9, 1956	Approved: Public Law 672, 84th Cong.

Hearings: House Interstate and Foreign Commerce Committee, on H.R. 7732. February 10, 1956.

Dec. 21, 1802 Dona donated to U. S. 1792 with
easement. Deed Depos. No. 1802. There
is bill and reports.

Apr. 12, 1800 Dona granted U. S. 1792 by Spain.

Apr. 10, 1802 U. S. 1792 was re-issued to the Santa Fe
and Pacific Railroad Company. Title of this
is retained.

June 30, 1800 Santa Fe Railroad granted U. S. 1792 reserved
alternate sections.

June 30, 1802 Santa Fe Railroad granted U. S. 1792 reserved
R. R. 1792. Pacific Depos No. 1802. There
of bill and report.

July 8, 1810 Santa Fe granted U. S. 1792 alternate sections.

Nov. 8, 1802 Approved: Santa Fe 1792, Act 1802.

Reviews: Santa Fe Railroad and Pacific Railroad Decisions,
on U.S. 1792. Pacific Ry. Co. 1802.

DIGEST OF PUBLIC LAW 672

COLORING OF ORANGES. Amends the Federal, Food, Drug, and Cosmetic Act so as to permit the orange industry to continue for three years (until March 1, 1959) the practice of artificially coloring, with a coal-tar color, oranges which are ripe but whose skins do not have the characteristic orange color.

FEDERAL FOOD, DRUG, AND COSMETIC ACT

(COLORING OF ORANGES)

HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

SECOND SESSION

ON

H. R. 7732

A BILL TO AMEND SECTION 406 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (PUBLIC LAW 717, 75TH CONG.), AS AMENDED

FEBRUARY 10, 1956

Printed for the use of the Committee on Interstate and Foreign Commerce

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FEDERAL FOOD, DRUG, AND COSMETIC ACT

FRIDAY, FEBRUARY 10, 1956

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HEALTH AND SCIENCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to notice, in room 1334 of the House Office Building, Hon. F. Ertel Carlyle presiding.

Mr. CARLYLE. The subcommittee will be in order.

This morning we have met for the purpose of considering H. R. 7732, introduced in the House of Representatives by our colleague, Mr. Haley, from Florida. Before introducing this bill in the record, I find that there is a perfecting amendment. That is on page 1, line 9, after the word "the," strike out "lifting," and insert the word "listing," to correct the typographical error. Is there any objection to accepting that amendment?

Mr. DIES. No; I move the adoption of the amendment to perfect the bill.

Mr. CARRIGG. I second the motion.

Mr. CARLYLE. Without objection, then, it is unanimously agreed that this amendment to H. R. 7732 is accepted. It is therefore agreed to.

Mr. DIES. Mr. Chairman, you can just take a pen, and strike out the word 'lifting," and insert "listing" in there.

Mr. CARLYLE. Without objection, that will be done.

(The bill, H. R. 7732, and the Department reports are as follows:)

[H. R. 7732, 84th Cong., 1st sess.]

A BILL To amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress) (52 Stat. 1049), as amended, be, and the same is, hereby amended by adding after subsection (b) of section 406 a new subsection as follows:

"SEC. 406. (c) The secretary shall promulgate regulations providing for the lifting of coal tar color for use in the coloring of the outside of oranges meeting the standards of maturity and grade of the United States of America and the respective States where used and which are safe in the manner in which used and suitable for such use, and for the certification of batches of such color, with or without diluents which are not unsafe in the manner in which used.

"The coal tar color designated as FD & C Red No. 32 shall be included in the above category and shall continue to be listed until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D. C., February 13, 1956.

Hon. J. PERCY PRIEST,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in response to your request for a report on H. R. 7732, a bill "to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended."

This proposed amendment would require us to establish a special list of coal-tar colors suitable and safe for use in coloring mature oranges, and to certify batches of such color "with or without diluents which are not unsafe in the manner in which used;" and it would further require us to include in such list the coal-tar color designated as FD & C Red No. 32 "until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use."

The purpose of the proposed amendment is to authorize continued use of FD & C Red No. 32 for coloring oranges, until a less toxic color is developed and approved by the Department, and thereby to continue to permit oranges colored with this dye to be marketed in interstate commerce, despite the removal of FD & C Red No. 32 from the list of coal-tar colors established under section 406 (b) of the Federal Food, Drug, and Cosmetic Act for use in food generally.

While we cannot recommend adoption of the amendment in its present form, we would not oppose a temporary amendment along the lines suggested in this report.

Under the act (sec. 402 (c)), a food bearing or containing a coal-tar color is deemed adulterated unless the color is from a batch certified by us under the above-mentioned section 406 (b), which authorizes us to list only those coal-tar colors "which are harmless and suitable for use in food" and to provide for "the certification of such [listed] colors, with or without harmless diluents." FD & C Red No. 32, we understand, was introduced for coloring oranges in the mid-1930's, prior to enactment of the act, and such colored citrus fruit was, therefore, exempted by a temporary proviso in the law from the application of the certification requirement, until an application for listing of the color under the act could be acted upon. This coal-tar color was placed on the approved list in early 1939 and has been certified since that time for food use (and, under provisions of the act, for drug and cosmetic use).

However, last year, after a public hearing and on the basis of the public record and detailed findings of fact, we concluded that FD & C Red No. 32 was not a harmless color, but a toxic one, and hence was not eligible for listing and certification under the law. We, therefore, on November 16, 1955, issued regulations effective February 15, 1956, eliminating FD & C Red No. 32 from the approved list. This action, though not taken with specific reference to the use of this color on the exterior of oranges, would have the effect of denying use of this color in or on any food, including oranges, on and after such effective date.

The facts bearing on the question whether, nothwithstanding the established toxicity of FD & C Red No. 32, the color could continue to be used on oranges without risk to the public health, are these:

The testimony on which the secretary found that FD & C Red No. 32 is a toxic substance was derived from investigational work of this Department. That research, conducted on rats and dogs, was designed to resolve the question as to whether or not the substance is harmless. The studies were not designed to determine whether a safe tolerance could be established for use limited to a single food, such as oranges, so that the amounts that may be consumed as color on the exterior surface of oranges would pose no undue risk. As we read the law, Congress did not authorize us to establish safe tolerances for poisonous colors, but limited us to listing and certification of colors that are harmless.

Since the hearing and as recently as December 1955, a large number of children were made acutely ill from the consumption of popcorn containing about 0.3 percent of this color. This led us to discover other instances of acute illness from popcorn being caused by the use of this color. Our scientific studies have shown injury to dogs in tests at levels as low as 0.01 percent of the diet. In quantities at 0.04 percent in the diet of test dogs, consumption has proven 100 percent fatal.

While the scientific evidence so far available does not establish what the lowest safe dosage would be to test animals, neither does it establish a likelihood of injury to man from the use of this color on the exterior of oranges at the levels of use involved. Before final conclusions can be drawn on this point, however, it is necessary to conduct adequate scientific studies of chronic toxicity on laboratory animals over their life span, which will involve feeding tests at levels related to the quantities of such externally applied color that might enter man's diet. Such tests and studies will require approximately 3 years. We assume that the industry will make such studies.

We believe that, as a broad principle, the use of chemical additives, and especially known poisons, should not be permitted in or on food until their safety has been demonstrated by the appropriate scientific procedures, where the additive is not generally recognized among competent experts as safe for its intended use. However, the fact that the specific use of the color on citrus fruit, antedating the law, was continued under a regulation providing for listing and certifying the color as "harmless and suitable for use in food"—thus giving the industry some warrant for assuming that the color was safe without further testing—would furnish ground for allowing the affected industry a reasonable period for development of a harmless and suitable color.

In these circumstances—and having regard to the above-mentioned fact that the evidence so far available does not establish a likelihood of injury to man from the minute amount likely to find its way into the human diet from the consumption of such colored oranges at the level of use involved—we would not object to temporary legislation to permit continued certification of this color if limited to external use on mature oranges not intended for processing, and if further limited to a maximum period of 3 years, which is the estimated testing period for the development of a color that is not toxic and for further exploration of the toxicity of FD & C Red 32. This would allow time for further congressional consideration if a new color should not be found, and if it should be necessary to amend the law to authorize the Department to prescribe a tolerance for Red 32 on oranges and impose other conditions to safeguard public health.

We cannot, however, concur in the proposal to require—especially on a permanent or indefinite basis—the special listing of coal-tar colors for coloring oranges, or to require that a particular toxic coal-tar color be included in such a list before its safety for the purpose has been finally established. Nor does it seem appropriate, as proposed, to substitute for the present affirmative requirement that diluents of a coal-tar color be harmless a negative requirement that they be "not unsafe." It should be pointed out, moreover, that the efficacy of the amendment would in part depend on the date of enactment of the bill.

We should be glad, if the committee so desires, to furnish technical assistance for working out any amendment the committee may decide upon in the light of this discussion.

We are advised by the Bureau of the Budget that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

W. B. Folsom, *Secretary.*

Department of Agriculture,
Washington, D. C., August 19, 1955.

Hon. J. Percy Priest,
Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

Dear Congressman Priest: This is in reply to your request of August 2, 1955, for a report on H. R. 7732, a bill to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Congress), as amended.

This bill does not affect the programs of the Department, and we have no recommendations concerning it. We appreciate having this bill referred to us for consideration.

Sincerely yours,

True D. Morse, *Acting Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., February 10, 1956.

Hon. J. PERCY PRIEST,
Chairman, Committee on Interstate and Foreign Commeree,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reply to your letter of August 2, 1955, requesting the views of the Bureau of the Budget on H. R. 7732, a bill to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended.

This bill would require the Secretary of the Department of Health, Education, and Welfare to establish a special list of coal tar colors suitable and safe for use in coloring oranges. The bill would further require that such list include FD & C Red No. 32 until such time as another color is available. Thus the proposed amendment would permit the use of the coal tar color, FD & C Red No. 32, for use in coloring oranges despite a finding by the Department of Health, Education, and Welfare, that this color is unsafe for use in food generally. As we understand it, the studies made by the Department of Health, Education, and Welfare have not dealt with chronic toxic effects which may or may not exist when the substance is used at the level of use involved in coloring oranges. However, based on the work which has been done on the color, the Department of Health, Education, and Welfare believes the color can be used for coloring oranges without undue danger to the public health. Thus the report of the Department of Health, Education, and Welfare suggests certain amendments to the bill which would permit the temporary use of the color until definitive scientific studies can be completed.

The Bureau of the Budget is not technically equipped to evaluate the available scientific data, especially in regard to the controlling question of whether there is in fact a potential danger to the health of the consumer from the use of this chemical on oranges. Since the Department of Health, Education, and Welfare, which has primary responsibility within the Federal Government for the protection of the public health, has made no objection to the temporary certification of this color for the specific use proposed, the Bureau of the Budget has no objection to the enactment of this legislation, subject to the changes proposed in the Department's report.

Sincerely yours,

PERCY RAPPAPORT, *Assistant Director.*

Mr. CARLYLE. I have been advised that Mr. Kilgore is here, and that he has requested that he make a statement so that he can get away.

STATEMENT OF HON. JOE M. KILGORE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. KILGORE. Mr. Chairman, and members of the committee, I have copies here of a statement sent to me by Mr. Austin Anson, who is the executive manager of the Texas Citrus and Vegetable Growers and Shippers Association in support of this bill, which I would like to present to the committee for its consideration.

If the committee would desire to have it read into the record, I would be glad to, and if not, I can insert it in the record at your discretion.

Mr. CARLYLE. Without objection, it shall be inserted in the record.

(The statement is as follows:)

TEXAS CITRUS AND VEGETABLE GROWERS AND SHIPPERS,
Harlingen, Tex., February 8, 1956.

To the honorable Committee on Interstate and Foreign Commeree, House of Representatives.

GENTLEMEN: This statement is submitted on behalf of the Texas Citrus and Vegetable Growers and Shippers, a trade association with its principal office at Harlingen, Tex., and composed of growers and shippers of fresh fruits and vege-

tables throughout the State of Texas. We are vitally interested in the matter under discussion and the effect that it will have upon our members who grow and ship all of the fresh citrus fruits from the State of Texas.

FD & C Red No. 32 has been used on all of the oranges shipped from the State of Texas for the past 18 years. This is neeessary by reason of the fact that our soil and climatic conditions do not permit the oranges to mature with a natural orange color, and it is necessary to proeess the oranges and use an artificial eoloring procedure using FD & C Red No. 32.

The laws of the State of Texas require compulsory inspeetion of all citrus fruits; eonsequently the Texas Department of Agriculture inspects for sugar and juiee content and maturity all fruits that are shipped from our State. Any fruit that does not meet the minimum requirements of the maturity laws of the State of Texas are not allowed to be shipped. Therefore, any artificial coloring that might be used is not used to coneeal any immature fruit. We have a soil and climatie condition that will give the fruits the required sugar and juice contents but will not mature the fruit to a natural orange color whieh is required by the consumers of our fruit who buy oranges on the orange color eye appeal.

In our 18 ycars of using this artificial color we have never had any complaints from our trade as to any ill effeets of the use of this eoloring. The commissioner of the Purc Food Drug and Cosmetic Division, Hon. George P. Larrick, in his press release No. HEW–C 81 stated: "The three eolors involved are harmless in the amounts ordinarily consumed in foods, but recent significant investigations show they are not harmless when fed in large amounts." The order of decertifieation itself specifically stated that there was no known evidenee of ill effeet from the use of FD & C Red No. 32.

So far as the growers and shippers of Texas oranges are concerned there is no substitute for this coloring process at this time, and until sueh time as a satisfactory substitute is developed and made available that will produee a color in line with the trade's requirements we will be unable to market our oranges, as the trade territory supplied by Texas positively refuses to purchase any but well orange-colored oranges.

The future of the orange industry in Texas hinges on the final decision of this committee and the making of satisfactory regulatory laws that will permit us to market the merehandise that we grow. Consequently growers who are now in the process of bringing planted groves to bearing and those contemplating planting are all going to be vitally affected by any deeision that will restrict the marketing of the fruit after it reaches maturity.

The Texas fresh fruit industry respeetfully prays that this committee favorably approves the Haley bill No. H.

Respectfully submitted.

AUSTIN E. ANSON, *Executive Manager.*

Mr. KILGORE. I think my district encompasses the entire citrus producing area in Texas. It is in support of the bill.

Mr. DIES. I would just like to ask Mr. Kilgore one question. I do not know anyone better informed in our State on the subject than you are, because you do represent the citrus area. Are you in favor of the bill and are the citrus growers there pretty unanimous in support of the measure?

Mr. KILGORE. So far as I know, they are entirely unanimous, both among the growers and the shippers. The use of a color additive in Texas oranges dates back for some years, and in fact almost from the beginning of the shipping of oranges. We have a climatic condition in Texas which produces an orange of sufficient sugar and juice content to meet our maturity requirements, but which does not produce a skin color which lends it adequately to competitive marketing.

The use of this color on the skin only, and after our fruit has passed a rather strict requirement for sugar content and juice content for maturity, is something that we have done for many years. So far as we know, there has never been any instance of any harmful effect to the users of that product.

The decertification of the use of this color until such time as there is another color available to the industry in Texas would be a very harmful thing on the grower and the shipper of our oranges.

Mr. DIES. Thank you very much.

Mr. KILGORE. It has never been used, so far as I can determine, to be a basis for the shipping of immature oranges, and we have pretty strict local requirements in that regard, with which I am reasonably familiar, having served in the Texas Legislature when these acts were in the main written.

Mr. DIES. Thank you very much.

Mr. CARLYLE. Thank you very much, Mr. Kilgore.

Mr. Priest, our chairman, is appearing before the Judiciary Committee this morning, and we regret he is not with us, but he probably will be coming in just a little later

Now, the next witness is James A. Haley, a Congressman from Florida, and we are glad to hear from you, Congressman.

STATEMENT OF HON. JAMES A. HALEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. HALEY. I have a prepared statement, and I would like to file it for the record and make a few brief remarks.

I first want to thank you and the members of your committee for this hearing today, and also I would like to call to the attention of the chairman and the members of the committee the presence here of a representative from Senator Holland's office. Senator Holland is quite interested in this bill, because he resides in my congressional district, which is the great citrus-producing district of the State of Florida.

Mr. Chairman, I have here today some witnesses who know the industry, and have been in it a long time. We also have with us this morning a former Member of the Congress whom I am sure you all know a man who represented the First Congressional District of Florida for many years. I refer to the Hon. J. Hardin Peterson.

Mr. Peterson not only was a good Congressman but he is also a citrus producer himself.

Mr. DIES. I had the honor of serving with Mr. Peterson for many years here, and he was one of the most popular and effective Members of our House, and we are all devoted to him.

Mr. CARLYLE. I would like to say also, that I too served with my friend Mr. Peterson, and I wish we had 100 more up here just like him.

Mr. HALEY. I want to assure you, Mr. Chairman, and gentlemen of the committee that the people of my district—and my district is a new district, and I have 5 of his old counties out of the first district. We have a few new people in Florida, as you may be aware, and in the 1950 census we were entitled and received 2 additional congressional seats. I have the honor to occupy the seventh, which was one of the new seats created, and I want to assure you that if Congressman Peterson had wished to continue I would not have been here, and probably the people of my congressional district would have had better representation. I assure you that he has retired by his own wishes, and not by the wish of the voters of the district.

Mr. Chairman, in order to conserve the time of the committee, if there are no questions, I would like to call on Mr. Peterson, at this time, who will introduce the witnesses. I want to assure you that I am interested in this bill, and I hope we receive favorable action.

This dye has been used as I understand it, in this process in Florida for approximately 20 years. We are right now in the height of our season there, and it would cause considerable harm to the industry. There is nothing, as I understand, to replace it at this time. If there is no question, Mr. Chairman, I would like to do that.

Mr. CARLYLE. We will receive your statement for the record.

(The statement is as follows:)

STATEMENT OF HON. JAMES A. HALEY, SEVENTH DISTRICT OF FLORIDA

Mr. Chairman and gentlemen of the subcommittee, it is kind of you to give us the opportunity to appear here and testify in behalf of this legislation which is so vital not only to the citrus industry of my district and the State of Florida but to the citrus industry of the entire Nation. As you know I introduced this bill and it has my wholehearted support. We are asking that you give this bill your careful consideration with the hope that we will have your help in maintaining the certified status of the FD & C Red 32 Dye so that it may continue to be used in the coloring of citrus until the research agencies of the citrus industry can develop a satisfactory coloring process and dye which may be substituted for this one which has been used for some 20 years. We know that your time is limited and that you have much to do. Therefore, we will make our testimony as brief as possible.

I have with me today four able representatives of the Florida citrus industry who are thoroughly familiar with the technical aspects of this problem. They will show you the vital need for action on this problem. This delegation is headed by a most competent gentleman, one who is not unknown to many of you for he for 18 years represented the old first district of Florida in the United States Congress. I refer to my good friend the Honorable J. Hardin Peterson. At this time I am going to ask Mr. Peterson to serve as spokesman for our group and he will in turn introduce to you the other representatives of the Florida citrus industry who will present testimony.

Thank you.

Mr. CARLYLE. We appreciate your coming before us this morning, and you too are a very effective Member of Congress, and you may be sure that we will give your bill every consideration.

Mr. HALEY. I am sure of that, Mr. Chairman, and thank you.

STATEMENT OF HON. J. HARDIN PETERSON, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, PRESENTLY AN ATTORNEY AT LAW, LAKELAND, FLA.

Mr. PETERSON. Mr. Chairman, and gentlemen of the committee, I appreciate very much the kind words you have said, and it is in keeping with the friendship which you manifested for me many times, and I treasure that friendship.

Since I came here, Dr. Larrick of the Food and Drug Administration has shown me a statement which he is going to make. That statement will help us in our problem. So we are going to cut our hearing considerably shorter than we intended, and some of the actual statements we intended to make with your permission we will just put in the record.

The purpose of this bill is to allow the continuation of coloring that has been used since 1938, and was certified by the department after rather extensive hearings as harmless and suitable for use in food.

The position the department takes, and they will tell you better than I, is that it is not harmful in the maner and use, in the coloring of oranges, and in the quantities used. But in view of the general word "harmless," they have taken the position that they had no right to allow tolerances as they do in residuals and that sort of thing, and that we might say that this is the harmless use of a harmful substance.

However, if we apply that strict interpretation, all food has some toxic element in it. Shrimp has far more toxic content than this. I will not get into the presentation, but with your permission I will put my statement in the record, because Dr. Larrick has told me that he is willing to continue the certification of this color for 3 years. The formal report is being prepared, and he has a statement which he is going to give to the committee this morning. That will give us the time to come up with research and it will not throw the industry in a turmoil.

Mr. DIES. That will eliminate the necessity for legislation?

Mr. PETERSON. No, sir, we will need legislation, but they are going to agree to it. They are going to agree to the legislation, limited to 3 years instead of indefinitely. With that, I think that we will be able to get this without trouble. We are in accord on that. For the benefit of my friends from Texas, I represent the Texas growers as well as the Florida growers in this matter. Mr. Austin Anson tells me that they are all in accord. The group that asked me to represent them embraces what to my mind are the largest group of Texas growers, and you may recognize the names. They are as follows: McAllen Fruit and Vegetable Co., by Horace Etchison, Alamo Fruit and Vegetable Co., Burkhart's, Alamo Citrus Association, Donna Citrus Association, Knapp-Sherriff-Koelle, Mission Citrus Growers, I. Kunik Co., Texas Fruit Co., M. W. Fruit Co., Hetrick and Richardson, Vallmayes and Co., Donna Fruit Co., H. Raney Co., Edinburg Citrus Association, and a large number of others. With your permission, for your information, I will place in the record the list of the Texas growers.

(The list is as follows:)

TEXAS PACKERS JOINING IN THE BRIEF

McAllen Fruit and Vegetable Co. (by Horace Etchison, manager), McAllen, Tex.
Alamo Fruit & Vegetable Co., Inc. (by Wm. Cloughley, president), Alamo, Tex.
Burkhart's (by Raymond L. Miller, manager)
Alamo Citrus Assn. (by Peden Neilson, president)
Donna Citrus Assn. (by C. T. Peters, manager), Donna, Tex.
Knapp-Sherriff-Koelle (by George A. Sherriff), Donna, Tex.
Mission Citrus Growers, Inc. (by T. B. Holland, president)
I. Kunik Co. (by Leonard Coleman), McAllen, Tex.
Texas Fruit Co. (by George Eby, Jr.), Box 108, McAllen, Tex.
M. W. Fruit Co. (by M. Weirbeld), Pharr, Tex.
Hetrick & Richardson (by J. Floyd Hetrick), San Juan, Tex.
Vallmayes & Co. (Vallmayes)
Donna Fruit Co. (by J. C. Powell), Edinburg, Tex.
H. Raney Co. (by H. Raney), Edinburg, Tex.
Edinburg Citrus Assn. (by S. E. Hyde, manager)
Wallace Fruit & Vegetable Co. (Bill Haliday, manager)
Pride O'Texas Citrus Assn. (M. W. Held, manager)
Interstate Fruit & Vegetable Co. (G. Tedak, owner); C. D. Kirk & Co. (by Carl A. Carper); Harlingen Citrus Cooperative (by W. A. Blair); Mission Fruit and Vegetable Co. (by Edward B. Zey); Mission Shippers, Inc. (by Neil

O'Brien, vice president) ; Stinson & Lutz (by Mark Lutz) ; Kimbriel & Co., Inc. (John A. Kimbriel) ; Charles A. Rogers & Sons (Charles A. Rogers, Sr.) ; Valley Fruit & Vegetable Co. (Roy Weir, partner) ; Engleman Products Co. (by A. L. Cramer, vice president) ; Gordon Butler (by Gordon Butler, owner), Alamo, Tex.

Some of the Texas people have to color 100 percent, and in some of the packinghouses everything runs through. Now, the coloring is not to cover inferiority, but oranges will be mature, and yet green on the outside. The early orange does not mature until the cold weather comes, and then it colors. Now, later on an orange might be insipid and be real bright in color, and it is real good to eat when it is green in color. The late orange regreens. An orange is one of the few fruits that have blooms, little fruit, and mature fruit on it at the same time, and the chlorophyll comes in the tree in the spring, and it comes back in the fruit. The public does not want to buy a green-looking orange.

Mr. Dies. It is just a matter of custom. Through the years, they have bought a red orange, and they associate it with that.

Mr. Peterson. They are used in fruit bowls a lot, and they put them on the table. There are a lot of oranges used that way. People will eat an orange occasionally when it is green, but they want the color. You cannot market without it.

Mr. Carlyle. Is an orange ripe when it is pulled?

Mr. Peterson. It arrests its maturity when it is pulled, and an apple keeps on going. However, the orange has to mature, when it is pulled. We have strict maturity standards. I led the fight, Senator Holland, and some of the others here and myself led the fight a way back there, to see that nothing was colored unless it was mature, and in Florida we require a higher grade of maturity before you color than otherwise.

Mr. Dies. That is a State action?

Mr. Peterson. Yes; and we have fought for the integrity of the industry, and we have developed it over the years to a high point.

Now, that is roughly the situation. I have a prepared statement which goes through the history, and I go back into the hearings here, in 1938, which I have included as pertinent information in my statement. Rather than go too much into detail, and take too much time, I do not think I ought to argue the case if it looks like I have won it.

(The statement is as follows:)

Statement of J. Hardin Peterson, Attorney at Law, Lakeland, Fla.

My name is J. Hardin Peterson. I appear on behalf of the bill.

In order to market certain varieties of the early oranges and certain varieties of the late oranges they must be colored. This has long been recognized by the industry and the Department of Agricultural of the United States.

"The Department of Agriculture has long recognized this and as early as 1932 in the United States Department of Agriculture annual report, excerpts from which were filed in the hearings on the Food, Drug, and Cosmetic Act in 1935, and the Department of Agriculture Year Book for 1932, pages 134 to 137, states:

" 'Some of the early fall varieties of oranges and grapefruit ripen while the fruit is still green in color. Later varieties that mature in the spring or summer assume the color of full maturity during the winter while the fruit is still immature, but when warm spring weather occurs the rind may turn green again. Thus while the edible part of the fruit ripens there is a "regreening" of the rind. * * *'

" 'Grapefruit growing inside densely foliated trees never develops full color, although some of the best flavored fruit is produced there. There is, therefore, no definite relation between flavor or maturity and the color of the fruit while on the tree. However, there is a very significant relation between the color of the fruit offered for sale and the price that it will bring, and citrus-fruit producers have always faced the problem of making the color of ripe fruit match its flavor.'

"Excerpts from United States Department of Agriculture Bulletin 1159 filed in hearings on food and drug legislation (hearings of the House of Representatives, 1935, pp. 172–189) had this to say:

" 'It is well known that citrus fruits grown under certain climatic and cultural conditions may be mature and highly desirable for food while the skin of the fruit is still green in color. * * *'

" 'On the other hand, green-colored fruit, no matter what the quality, is difficult to merchandise. In the mind of the consuming public a green-colored orange is immature and unfit for food. The public desires fruit for decorative purposes as well as for eating, and a well colored orange is much more attractive than one green or partially green in color. It is evident, then, that some method of treating this fruit so that it would assume a rich orange-yellow color early in the season, when it is most desirable for food, would be of benefit to the industry and to the consuming public alike.'

"Under the State law color is only allowed upon mature oranges and in Florida a greater standard is required for coloring than for other oranges."

Since 1938 more than 300 million boxes of color-added oranges have been shipped without injury to human beings. This is around 59 percent of all oranges shipped. In some areas there is 100 percent coloring and some packing houses have to color 100 percent, others varying in percents.

The only color available for use is FD & C Red No. 32, which, after extensive hearings in 1938, was certified by the Food and Drug Administration as "harmless and suitable for use in food" 21 CFR 153.3 and the department has entered an order delisting this color from the list of certified colors. Under the provisions of the Food, Drug and Cosmetic Act which requires the certification of coal tar colors that are harmless and suitable for use in food the Secretary now contemplates the removal of this color which is the only color certified for use in the coloring of oranges. No one claims that it is harmful in the manner and quantity in which used, and the Commissioner of the Food and Drug Administration so advised Congressman Haley, Senator Holland and Senator Smathers, and this letter specifically stated:

"There is, however, no evidence that in the amounts used and in the manner of use, in the coloring of citrus fruit the product so colored is not safe for human consumption."

In practical effect the department takes the position that it is a harmless use of a harmful product. The department takes the position that it does not have the right to establish tolerances in coal tar colors. It does have the specific authority to establish tolerances with reference to residuals from spray materials. The testimony taken before the department was that only minute quantities of coloring matter are used in the coloring of oranges. I submit an analysis of that testimony made by Dr. Gerwe. This shows that a man could drink 5,000 gallons of juice before it became harmful on account of the coloring matter and would have to eat several thousand oranges, peeling and all, before it would be harmful. Only 4 parts per million is used in the coloring of oranges and only 0.07 parts per million is found in juice extracted from color-added oranges.

The legislative history of the Food and Drug Act shows clearly that it was intended that coal-tar color be used for coloring oranges. It also shows that it was never intended that the word "harmless" be construed except in a reasonable manner.

The hearings show that shrimp, fish, cod-liver oil, dandelion and many other foods contain more toxic materials than is contained in the coloring matter.

Dr. Campbell, who was at that time head of the food and drug department, stated before the House committee that

"There are very few things in which one would not find contaminating products in some degree."

The Senate hearings show testimony that shrimp and prawn contain 30 parts per million of toxic material, which is 7½ times all the coloring matter on an orange and 420 times the amount of coloring matter found in the juice extracted from color-added oranges.

Please bear in mind that coloring is applied on the outside of oranges, is oil soluble and not water soluble and does not even penetrate the rag of the orange. The Supreme Court of the United States in the Lexington Mill and Elevator case recognized that consideration should be given to the quantity and method of use and pointed out in that case that arsenic is found in so many articles of food that it has been said that the air we breathe, the water we drink, the smoke and dust we inhale and all foods we consume contain arsenic. "If the terms be an absolute one then they would all be condemned."

Dr. Vos of the division of pharmacology testified on the hearings:

"I think it is appropriate the matter of use should be taken into consideration."

When FD & C Red No. 32 was certified Dr. Calvery stated (USDA–FD & C No. 4, Feb. 7, 1939, page 228):

"Yes, by harmless and suitable for use for purposes indicated we mean that in the concentrations that these substances are used for coloring purposes, it is our opinion that no harm can come from them to the user when used in the concentrations for which they are designed and for the purposes for which they are designed * * *."

The purpose of this bill will be to allow the use of coloring matter which is admitted to be harmless in the manner and quantity in which used until such time as a color more acceptable is developed. In view of the doubt of the department as to its right to establish tolerances we feel that this bill will allow them some discretion and we would be glad to have the specific authorization of tolerances if it is thought best. Under the present interpretation of the law which construes harmless as zero toxicity we do not see how any color can ever be certified if this construction continues.

We feel that to clear up the matter for the department as well as for the industry this legislation should be passed or that there be a specific definition of the word "harmless" or that there be a specific grant of the power to the department to allow tolerances in the use of coal-tar color or to allow certification for restricted uses. The Haley bill will allow the functioning in an orderly way.

An application for stay of the department's order has been filed in the Court of Appeals of the 5th Circuit and the department has cooperated in consenting to a stay insofar as it affects the coloring of oranges of the order on certain conditions pending the review.

While we disagree with the construction of the act by the department in view of the legislative history of this act, yet we do not want to criticize the motives of the department and are mindful of the efforts to cooperate with us as much as they can in view of their restricted interpretation of the word "harmless."

We appreciate the opportunity to be heard as we realize how busy this committee is and will be glad to make any further suggestions or furnish any other information to the committee.

Mr. PETERSON. With the committee's permission, I will introduce some of the people who have come to testify, and I will put their statements in the record.

This is Mr. John Lesley, and Mr. Lesley is the head of the Florida Citrus Exchange which is a large cooperative made up of in the neighborhood of 40 other cooperatives, marketing millions of boxes, with a high percentage of it colored. You have a statement which you wish to submit, Mr. Lesley, and we will place the statement in the record.

(The statement is as follows:)

STATEMENT OF JOHN T. LESLEY, GENERAL MANAGER, FLORIDA CITRUS EXCHANGE

My name is John T. Lesley. I am general manager of the Florida Citrus Exchange. The exchange is the cooperative marketing agency for 38 affiliated citrus packinghouses. We handle for our members approximately 8 to 10 million boxes of citrus in interstate commerce annually. Our houses are located in every producing area in the State—east coast, west coast, and interior.

We as an organization have gone on record as favoring legislation of the type now pending before this committee many times. In 1935 we joined in a petition to the Department of Agriculture that fully expressed our opinion then and now.

"Florida horticulturists, through years of research and experimentation on citrus fruits, have been successful in developing early, midseason, and late ma-

turing varieties. They have not, however, succeeded in making exterior color follow a standard which might be indicative of interior maturity or quality.

"Oranges will attain a normal varietal color during the few, intermittent and nonuniform periods of cold weather. If the early varieties are left hanging on the trees to wait for this cold weather coloring, they become overripe, insipid, and even unpalatable by the time their color has attained sufficient intensity to be readily acceptable to the market.

"The later varieties, on the other hand, attain full color on the trees, because of these cold weather periods, long before they have attained maturity. In addition to this fact, these late varieties, maturing as they do after the flow of sap increases in the spring, gradually lose their high color, turning first to a pale yellow and finally to a dark green.

"These conditions are further complicated by the position of the fruit on the tree with respect to coverage by foliage and by the intensity and length of the cold or coloring periods, which vary from season to season and during the season.

"Because of these conditions, it has become a well established fact, recognized as an axiom in citrus culture, that the color of the orange bears no indication whatever to the quality or maturity of the fruit itself. The Department of Agriculture itself has tersely summarized this obvious commercial necessity for the artificial coloring of citrus fruits. The department, in its discussion of the subject in its yearbook for 1932 on pages 134–137, states: 'There is, therefore, no definite relation between flavor or maturity and the color of the fruit while on the tree. However, there is a very significant relation between the color of the fruit offered for sale, and the price that it will bring and citrus fruit producers have always faced the problem of making the color of ripe fruit match its flavor.'"

We feel that color as applied to oranges presents no health hazard and since we are prohibited by State law from coloring to any darker or deeper hue than the particular orange variety will naturally develop with favorable weather conditions, we believe there is no fraudulent enhancement of the looks of the fruit.

Florida has the highest maturity standards of any citrus producing area in the world, yet we require that color-added fruit have one-half gallon more juice per box and one-half point more sugar solids than noncolored fruit. This is backed up by compulsory season-long Federal-State inspection by the 250-man crew policing fresh citrus fruit packing.

During the 20 years we have been color-adding oranges it has become such an accepted practice that noncolored oranges can be sold to advantage only along a limited area of the Eastern seaboard. It is our considered opinion as Florida's largest fresh fruit marketers, that if the color-added process is banned, the State's fresh fruit marketing will be thrown into complete chaos. Our major markets—accustomed to colored fruit—will resist the paler fruit with the inevitable result that the seaboard markets will be overloaded, causing terrific price declines to the detriment of the Florida growers. For these reasons we wholeheartedly endorse the pending legislation.

Mr. PETERSON. Now, we have Mr. Roscoe Skipper, and Mr. Skipper represents one of the corporate packing houses that started out by people who bought their own groves, and they are local people who have built up a great organization which runs into the millions. A great proportion of that is colored, and must be colored. He is from my home county.

Mr. Skipper has a prepared statement which we will also place in the record.

Mr. CARLYLE. Let me ask the committee if there is any objection to the admission of those papers. If not, we will do that.

(The statement is as follows:)

STATEMENT OF ROSCOE N. SKIPPER, VICE PRESIDENT AND SALES MANAGER OF SNIVELY GROVES, INC., WINTER HAVEN, FLA.

The following statement is in reference to the color-adding of fruit before shipment into interstate commerce.

For many years the packing houses of Snively Groves, Inc., and Polk Packing Association have been one of the leading houses in volume of shipments and the

following is a table showing the number of boxes of fruit shipped and total number of oranges shipped, including volume of fruit that was color-added.

Season	Total shipments	Total oranges	Color-added oranges
1948–49	1,023,302	609,767	598,367
1949–50	728,137	460,845	455,679
1950–51	624,236	389,872	389,872
1951–52	1,004,388	605,709	473,443
1952–53	910,214	440,151	319,761
1953–54	1,042,242	529,059	505,428
1954–55	1,024,926	438,739	413,486
Total	6,357,445	3,474,142	3,156,036

Practically all our customers demand that we apply color to oranges, particularly the varieties that are shipped before December 31 as these varieties of early oranges never have a bright color as we do not have cold weather in the fall to put color on all of them. The eye appeal is the reason for our coloring oranges as the housewife has always been accustomed to buying oranges with color.

When the valencias are shipped in the spring, it is necessary to color them as they do not become very well colored except for a short period of time as they regreen on the trees after the trees bloom and start to grow.

It is a well-known fact to the trade that any oranges that may be color-added are required to have a higher maturity standard than oranges that are not color-added, this being a State law and it is enforced by the State of Florida very strictly.

We are very proud of our brands under which we pack and during all the years we have been coloring, we have never had a single complaint from anyone about color-added oranges.

We sincerely hope that we shall be allowed to use color in our future operations.

Mr. PETERSON. A lot of the factual information you may want in the report you will find in the statement which I have prepared.

Now, Mr. Herman Heidrich was formerly of Philadelphia, and he came to Florida, and for a great number of years he has been, and he is the largest shipper of oranges in the State, both he and his two fine sons. He is in the counties north of us. We have tried today to bring a presentation of cooperatives, corporations, and individual holdings in different parts of the State. The coloring is used throughout.

Mr. DIES. Mr. Peterson, I understand, and I want to ask you if I am correct, that the coloring now in general use is only toxic if used in large quantities?

Mr. PETERSON. Yes.

Mr. DIES. Is there any research or progress being made in finding a substitute that is absolutely harmless?

Mr. PETERSON. Yes, sir. We are going to have this problem, very possibly, if the word "harmless," means zero toxicity. This means, without any harmful ingredient, you may finally have to either grant to the Food and Drug Administration to right to tolerances like you do on spray materials, or redefine the word "harmless," because on the basis of the strict toxicity, dandelion greens would be harmful. Shrimp has about 7 times the amount of toxicity that this coloring has. It is only 4 parts per million, and in a juice extracted from the coloring orange, it is 0.07 parts per million that is found in juice extracted from color-added oranges. You would have to drink 5,000 gallons of orange juice before it would hurt you. That is per day.

It is a technical construction, rather than the practical thing. They do not claim that as used in oranges it will hurt human beings, but this extension will give us the right to come up, and they are now doing research, but to do it properly, it takes about 2 years feeding with rats, to feed this to them. Within the industry, we have been frantic since the last 2 years trying to do our best to find something.

Now, we would like to introduce the prepared statement of Mr. Heidrich. Mr. Heidrich called my attention to the fact that it is an oil-soluble color, which is applied to the rind only, and it does not penetrate the white part of the orange. It is not water soluble, and it does not get into the juice.

Mr. DIES. How would you be affected by it if you did not eat the peel?

Mr. PETERSON. You would not. You would have to eat the peeling, and you would have to eat thousands of oranges with the peeling to get hurt.

Mr. DIES. I do not see why anyone would want to eat the peeling.

Mr. PETERSON. We fellows years ago used to eat little dry ones, when we did not get many oranges. However, people do not eat the peeling today. You do not eat it like you do an apple. The first thing you do is take the peeling off. But it is a technical construction of what is harmless.

Mr. DIES. Is the peeling used for anything?

Mr. PETERSON. Once in a long while, maybe for making some citrus candy, but then you usually use the natural orange, and you do not use this orange. We broke that down, and showed that it was such a minute quantity, and you would have to eat many times your weight before it hurt you. Four parts per million of the coloring matter itself, that is all that is involved on the outside of the peel. That is far less than shrimp, and far less than dandelions, and far less than bacon.

(The statement is as follows:)

STATEMENT OF HERMAN J. HEIDRICH, PARTNER IN THE FIRM OF HERMAN J. HEIDRICH & SONS, INDEPENDENT GROWERS AND SHIPPERS OF CITRUS FRUITS, OF ORLANDO, FLA.

Mr. Chairman and gentlemen of the subcommittee, my name is Herman J. Heidrich. My sons Francis X., Paul D., and I constitute a copartnership known as Herman J. Heidrich and Sons, Orlando, Fla., engaged in growing, packing, and marketing both fresh fruits and vegetables. During the season 1954–55, we packed and shipped in fresh fruit channels 1,275,546 boxes of citrus fruits. Oranges represented 901,249 boxes of this sum. After deducting shipments of 135,000 boxes of Temple oranges, which do not require artificial external coloring, we have a total of 766,249 boxes of oranges. Of this latter figure 432,602 boxes of oranges were color added externally using FD & C Red No. 32. This constituted more than 50 percent of our total orange shipments. We have prepared a detailed statement of our operations covering the past 10 years showing the high percentage we have had to color externally and will furnish this for the record within a few days.

The Hamlin orange is lemon colored rather than orange colored. This fruit is harvested while the rind is still in the green stage although the interior has fully matured. We place this variety in coloring rooms and submit them to the process of ethylene gas as formulated by the United States Department of Agriculture.

However, due to the lemon color it is necessary for us to externally color add in order to give them eye appeal. To market them in the condition in which they emerge from the color rooms would be disastrous.

The late variety of the Valencia orange colors quickly from the cold weather and produces a golden external appearance. Even at this stage the orange may

be immature. When it has reached full maturity it tends to regreen. Marketing in this condition would be suicidal. We must color add externally to give it eye appeal.

The policy of my company in applying external coloring has been adopted not for the purpose of shipping immature fruit or for any purpose of deception but rather to give the housewife what she expects in the way of eye appeal. We urge that we be permitted to continue the use of FD & C Red No. 32 which is admitted to be harmless in the manner and degree applied.

Mr. Peterson. I have given the reporter these statements to which we have referred. We are in accord with the suggestions of Dr. Larrick that we provide for the 3 years, because we will be frantic to do our best to try to do something about this. While we have disagreed with the construction of the word "harmless," we have thought that it should be what we call a reasonable construction. But Dr. Larrick has been fine, in groping for a solution of this just like we have. He realizes that after having this certified since 1938, and used in over 300 million boxes of oranges, over 300 million have been colored without a single complaint.

Mr. Dies. We have a bill pending here, and we have had extensive hearings on it, that is the additive bill. If we should pass the food additive bill, where will you be with this agreement?

Mr. Peterson. This bill will be passed extending us for 3 years. It is not an additive inside the food. It might be, and I did not want to disturb the additive, nor did I want to become involved in that, but it might be, if the wording is worked out all right, and does not disturb the other, it perhaps would be better to put a paragraph amendment in the additive bill. However, I would not want to suggest such action without coming from the Food and Drug Administration.

Mr. Dies. In the bill that we have, which Mr. Priest has introduced, we have had hearings on. It seems to me, that under that, that you would be affected by it regardless of this bill. I see some of them are shaking their heads.

Mr. Peterson. This is an amendment to the provision for the certification of coal-tar colors, which is expressed expressly in the Food and Drug Act. We then amend that to continue the certification period of 3 years. That is of this listed color.

Thank you very much, and we will furnish you such other information as you want, and you will find in the statements that I have given you considerable technical information which will be of assistance in drawing up the report. I am glad to answer any other questions, but as I say, I have chopped it up because when I saw Dr. Larrick's statement I was quite pleased, and I did not want to burden you with this. We had details of how much had been colored, and what areas, and that sort of thing.

Mr. Carlyle. Let me ask you one question, just for my information. Is this coloring placed on the oranges by persons in the packing operation?

Mr. Peterson. They have a special operation.

Mr. Lesley. We go through a roller conveyer, and the dye is sprayed down on the fruit as it revolves. The fruit cannot stay in the dye, and the temperature cannot be over 118° F., and the fruit cannot stay in over 3 minutes. Usually, we run it through in much less time than that.

Mr. CARLYLE. Now, we received a statement from Congressman Cramer, of Florida, and he favors the bill. Without objection, we will have this made a part of the record.

(The statement is as follows:)

STATEMENT OF HON. WILLIAM C. CRAMER, OF FLORIDA, ON H. R. 7732, TO AMEND THE FOOD AND DRUG ACT RELATING TO ARTIFICIAL COLORING OF ORANGES

To the Chairman, Subcommittee on Health and Science, House Committee on Interstate and Foreign Commerce:

The immediate consideration and approval of your committee of H. R. 7732, which would provide for the continued certification of color to be used in the coloring of oranges, is an action I would urge upon you as one of extreme importance to the great citrus industry of the State of Florida.

For many years, Florida citrus has been marketed with as much as 70 percent of the fresh fruit sold each year having had treatment with FD & C Red 32. By this process Florida oranges are able to present smooth and uniform bright orange color very important as a point of sale attraction to match the goodness of the product itself. FD & C Red 32 has been the only satisfactory product developed that would accomplish economically this important visual improvement of our main agricultural product.

Use of this color-added process which is clearly indicated on each orange has been carried out over a period of more than 20 years. I know of no instance of any harmful results to an individual and have been assured that use of the dye in the amounts and under the processes used for color adding to Florida oranges are not harmful to the consumer.

As indicated before, if the 70 percent of the Florida crop must stop use of this dye, as is now threatened by action of the Department of Health, Education, and Welfare in enforcing certain terms of the existing food and drug laws, very serious economic problems would arise in the State of Florida.

H. R. 7732, and in the Senate the Holland amendment to the food and drug codification bill, will correct technical restrictions which I am advised are to be enforced in the very near future. I would like to urge your sincere and immediate consideration of this legislation and urge that you act favorably in the interest of the Florida grower and citrus producer.

Mr. PETERSON. Mr. Golden, of Senator Holland's office wished to have his presence noted here. They have introduced a somewhat similar bill over in the Senate side.

Mr. CARLYLE. Does he wish to testify at this time?

Mr. PETERSON. He did not want to make a statement. However, he would like to have the record show his presence here, and his interest in favoring the bill.

Thank you very much, Mr. Chairman.

Mr. CARLYLE. Thank you, Mr. Peterson.

The next witness is Dr. Heidrich, of Orlando, Fla. Doctor, we will be glad to hear from you.

I understand that statement has been inserted.

Have we heard from all of the witnesses that you proposed to us this morning?

Mr. HALEY. Yes, sir, as far as I know, you have, Mr. Chairman.

Mr. CARLYLE. Are there any statements that you would like to have inserted in the record?

Mr. HALEY. Not to my knowledge, I believe that Congressman Peterson has asked that the statements of the gentlemen here be inserted in the record, which I believe has been done.

Mr. CARLYLE. We will hear now from the Food and Drug Administration, Dr. George P. Larrick, and we are glad to hear from you at this time.

STATEMENT OF GEORGE P. LARRICK, COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. LARRICK. My name is George P. Larrick. I am Commissioner of Food and Drugs, Department of Health, Education, and Welfare. I am particularly glad, on my first appearance before this committee since I became commissioner, that it apparently will be a noncontroversial hearing.

Congressman Dies asked if there is any way that people consume orange peels. There are three ways that we know of, Congressman. One is in candy, and one is in marmalade, and the third is a drink that you probably would not know about, it is called an old fashioned.

Mr. DIES. I would not know what you are talking about there.

Mr. LARRICK. Secretary Folsom has submitted a comprehensive statement with regard to this bill, and I will not therefore go into great detail about its detailed provisions.

The bill proposes that provision be made for the continued use of coal-tar color FD & C Red No. 32 solely for the purpose of coloring the skin of oranges. The reason for this proposal arises out of the fact that this color is being removed from the list of colors eligible for certification for use in food. The Secretary's order becomes effective on February 15, 1956.

This delisting is brought about by the action of the Secretary under the Food, Drug, and Cosmetic Act because only colors that are harmless may be listed and certified for use in food. Evidence adduced at a public hearing showed that FD & C Red No. 32 is not harmless but was harmful to the laboratory animals used in the toxicity studies.

As we interpret the law, the certification of coal-tar colors for use in food does not permit fixing a tolerance for harmful colors for use in or on particular foods; but it provides that if coal-tar colors are not harmless they shall not be listed and certified at all.

The tests of the toxicity of this color which have been made in the laboratories of the Food and Drug Administration were not designed to learn the effect of this color upon human beings when consumed by reason of its use on the skin of oranges and in the minute quantities that may thereby be ingested, but, rather, the tests were made to determine whether the color is harmless for use in foods generally. The results are conclusive that the color is not harmless, and as a matter of fact, as recently as December of 1955, a large number of children were made acutely ill from the consumption of popcorn which contained about 0.3 percent of this color. There were 150 children in San Francisco who were seriously poisoned when the color was used to poison some novelty popcorn for Christmas.

The quantity of the color in this popcorn was only 0.3 of 1 percent. We have also learned of other instances of illness from the use of this color where it was used to color popcorn.

In the scientific studies, injury to dogs fed the color for about 2 years developed at levels of 0.01 percent of the diet, and 0.04 percent of the diet of the test dogs proved fatal to all of the animals.

While the scientific evidence so far available does not establish what the lowest safe dosage would be to test animals, neither does it establish a likelihood of injury to man from the use of this color on the exterior of oranges at the levels of use involved. This color has been in use for

the coloring of oranges since the early 1930's. We have not found evidence, so far at least, that injury to consumers has resulted from the consumption of oranges so colored.

Considering all of the information so far available—and bearing in mind particularly the minute amount of this dye likely to enter the human diet as a result of its use on oranges—we cannot say that its continued use on oranges, not intended for processing, would pose a hazard to the public health.

We believe that as an important general principle, chemical additives—especially known poisons—should not be permitted in or on food until safety has been demonstrated by scientific procedures. However, extended past use of this dye on oranges and its past listing as "harmless," present strong equities for a temporary period for conducting the necessary tests or preferably evolving a clearly nontoxic substitute, when, as here, there is no present evidence of injury to man from this particular use of the dye.

We will, therefore, not object to legislation to permit continuation of certification of this color for use on oranges only for a 3-year period of time, during which the industry should make the scientific tests. This 3-year period, as I have indicated, will likewise provide time to search for nontoxic colors to serve the same purpose.

However, we do not feel that we can concur in the proposal to require, on a permanent or indefinite basis, the special listing of this coal-tar color for coloring oranges or to require that a color be included in a list of safe colors until its safety for the purpose has been finally and fully established.

Mr. Dies. Mr. Commissioner, right there, as I understand your position, it is this: If this bill is amended to limit its application for 3 years, your department will have no objection to it?

Mr. Larrick. Exactly, Congressman.

As an incidental comment—we observe that this bill would require that diluents of coal-tar colors be "not unsafe" but that coal-tar colors themselves be harmless or safe. It would seem that it is undesirable to suggest a difference in safety requirements as between the colors themselves and the solvents or diluents which must be added to them to permit their use.

For the further information of the committee, the order delisting this color and two others is being appealed by four different interested parties. One of these is the Florida Citrus Exchange and others, including certain Texas producers, whose appeal is in the Circuit Court of Appeals for the fifth circuit. This includes also a petition for a stay of the order as to FD & C Red No. 32 to the extent of its use in coloring oranges. We have agreed to this stay to the extent that it would permit the continued use of this color on the exterior of oranges until the termination of the appeal case.

The other appellants are a drug manufacturing firm, another orange-producing interest, and coal-tar color manufacturers.

The Chairman. Now, commissoner, I regret I was unable to be here for the opening of the hearings, but I think maybe the Food and Drug Administration will understand that I was making a very fervent plea before the judiciary committee to report a resolution commemorating the 50th anniversary of the Food and Drug Administration.

Mr. LARRICK. I understand the circumstances, sir, and we were sorry you were not here.

The CHAIRMAN. Mr. Dies asked the question that I intended to ask at the hearing about some of the other testimony.

Mr. DIES. We agreed to an amendment before you came because there was an error in the writing of the bill. The committee agreed to use the word "listing" in the bill.

The CHAIRMAN. Thank you, Mr. Dies.

Are there any further questions of Commissioner Larrick?

It seems that the position of everybody in this matter is pretty well known to the committee by this time. It does involve a question which I realize is of great interest to the industry and also of concern to the Food and Drug Administration. I understand that under the terms proposed, there would be an amendment to the bill limiting it to a 3-year period, during which time growers and users of this color will make tests and conduct examinations and experiments to determine whether a substitute color can be used. It would seem to me that that pretty nearly clears the picture for the time being.

Mr. LARRICK. I would hope very much that they would find a safe color.

The CHAIRMAN. One thing I emphasized in my appearance before the judiciary committee, was the fact that during 50 years in the history of the Food and Drug Agency, we had built in this country a high standard of living, higher than anywhere in the world and it had been done with reference to our foods, cosmetics, and other matters coming under the jurisdiction of the Food and Drug Administration largely through a cooperative effort between the administration and industry in all of its segments. This here is another exmple, I think, of what I have just stated before the judiciary committee to be the general rule.

Thank you very much, Commissioner Larrick.

Mr. DIES. I want to compliment the commissioner and the department upon a cooperative attitude with respect to this matter, and not a stubborn adherence to some technical ruling.

Mr. LARRICK. Thank you.

The CHAIRMAN. Does Mr. Harvey wish to testify?

Mr. HARVEY. My name was listed as an alternate to Mr. Larrick.

The CHAIRMAN. I understand you do not wish to testify on your own.

The Chairman has been notified that Mr. G. F. Siemers desired to make a statement before the committee. Mr. Siemers is technical director of Hoffmann-La Roche, Inc.; is that correct?

How long will your statement require?

Mr. SIEMERS. Just a few minutes, Mr. Chairman.

STATEMENT OF G. F. SIEMERS, TECHNICAL DIRECTOR OF HOFFMANN-LA ROCHE, INC., NUTLEY, N. J.

Mr. SIEMERS. My company, Hoffmann-La Roche, Inc., of Nutley, N. J., is involved in the synthesis of natural compounds, such as vitamins. Among our synthetic productoin we have produced carotene, a coloring such as used in margarine at the present time. Carotene is also a coloring in oranges.

Now, carotene as we produce it is exactly the same chemically and physiologically and biochemically as the color in oranges, and in dairy products. We have also synthesized lycopene, and lycopene is a red coloring in tomatoes. Lycopene as we produce it in an experimental way at the present time is exactly the same chemically, physiologically, as lycopene in tomatoes.

Furthermore, we have recently synthesized zeaxanthin, which is a yellow color in yellow corn.

I bring up these points mainly to state that these natural colors, exactly the same as present in oranges and in dairy products, may in the very near future be available for coloring foods. We have nature's own coloring on the way.

Now, how soon carotene, lycopene, and zeaxanthin, and some of the other pigments will be available for commercial use remains to be seen. At the present time the major margarine producers are using carotene exclusively for coloring margarine. Prior to this time they have used colors, 3 and 4, which are being questioned at the present time in regard to toxicity.

Now, my company is in full agreement with this move on this bill. We believe that this bill as presented here this morning, and discussed, is certainly something that should be carried on until these new pigments, the same as we find in the fruits, are available for commercial use.

I might also state that we have conducted experiments in coloring oranges with carotene, and we have been quite successful so far experimentally. Much more work is required in the laboratory. At the present time, the cost is prohibitive, and it would cost about 10 times the present cost of coloring oranges, and perhaps in a year or two the costs will be lower.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

If there are no further witnesses, the committee will stand adjourned.

(Whereupon at 10:45 a. m., February 10, 1956, the hearing was adjourned, subject to the call of the Chair.)

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H. R. 7732

A BILL.

84TH CONGRESS
1ST SESSION

H. R. 7732

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1955

Mr. HALEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress) (52 Stat. 1049), as amended, be, and the same is, hereby amended by adding after subsection (b) of section 406 a new subsection as follows:

"SEC. 406. (c) The Secretary shall promulgate regulations providing for the lifting of coal tar color for use in the coloring of the outside of oranges meeting the standards of maturity and grade of the United States of America and

the respective States where used and which are safe in the manner in which used and suitable for such use, and for the certification of batches of such color, with or without diluents which are not unsafe in the manner in which used.

"The coal tar color designated as FD & C Red No. 32 shall be included in the above category and shall continue to be listed until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use."

84TH CONGRESS
1ST SESSION

H. R. 7732

A BILL

To amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress), as amended.

By Mr. HALEY

JULY 29, 1955

Referred to the Committee on Interstate and Foreign Commerce

H. R. 7732

A BILL

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 30, 1956
For actions of March 29, 1956
84th-2nd, No. 56

CONTENTS

HIGHLIGHTS: Conferees reached agreement on several provisions of farm bill. House committee reported bill to regulate orange coloring. House committee reported bill extending defense production act.

HOUSE

1. FARM PROGRAM. The "Daily Digest" states: "Conferees continued in executive session to resolve the differences between the Senate and House-passed versions of H. R. 12, Agricultural Act of 1956. Agreements reached today would (1) delete the section providing for survey of meat grading systems and (2) accept the Senate provisions for the two-price plan for wheat, with certain modifications.

"In an evening session on Wednesday, March 28, the conferees agreed (1) to strike from the bill section 602, price reporting of forest products, (2) to House provisions for appointment of a surplus disposal administrator, and (3) to Senate section providing for payment of ocean freight on commodities shipped abroad for needy peoples.

"The conferees continued consideration of this matter in an evening session and will meet again tomorrow." p. D310

Rep. Hyde stated that high rigid price supports would tend to encourage over planting and result in a deterioration of the land in some of the Western States now faced with dust storms. p. 5240

2. DEFENSE PRODUCTION. The Banking and Currency Committee reported with amendment H. R. 9852, to extend the Defense Production Act (H. Rept. 1983). p. 5254

3. FRUIT. The Interstate and Foreign Commerce Committee reported with amendment H. R. 7732, providing for the regulation of certain color additives in oranges (H. Rept. 1982). ~~p. 5254~~

4. FOREIGN AFFAIRS. The Government Operations Committee issued a report, "U. S. Technical Assistance in Latin America" (H. Rept. 1985). p. 5254
Rep. Reader cited the importance of the technical assistance work in Latin America and discussed the benefits which might be derived from such a program. p. 5244.

5. ADJOURNED until Mon., Apr. 9. p. 5253

SENATE

6. TRANSPORTATION. Sen. Morse spoke on the serious effects of recurring shortages of boxcars, and criticized ICC policies prohibiting the shipment of grain in trucks. p. 5220

7. FARM PROGRAM. Sen. Morse inserted a Wall Street Journal article claiming considerable discontent of Minnesota farmers with the present farm program. p. 5219

8. FLOOD CONTROL. The Public Works Subcommittee on Flood Control and Rivers and Harbors concluded hearings on S. 3272, 3273, and 2853, bills authorizing construction of flood protection projects. p. D309

9. COMMITTEE ASSIGNMENTS. Sen. Symington was excused from further service as a member of the Public Works Committee and assigned to the Agriculture and Forestry Committee. p. 5190

10. TAXATION. Sen. Schoeppel reviewed the history of the Federal excise tax on the transportation of property, particularly the burdensome effect of the tax on the farmer. p. 5209

11. FORESTRY. Sen. Neuberger spoke in opposition to S. 3444, providing for the establishment of Federal-State Land Study Commissions to undertake studies and investigations of land ownership and submit recommendations for the disposal of Federal lands. p. 5196

12. WATER. Received a Mass. Legislature resolution urging legislation to revise and extend the Water Pollution Control Act. p. 5190

13. ADJOURNED until Mon., April 9. p. 5238

ITEMS IN APPENDIX

14. FARM PROGRAM. Rep. Dickersham inserted a constituent's letter urging the adoption of 90% of parity price supports. p. A2766
Rep. Bow inserted a magazine article outlining a farm program including features of disaster loans, credit extension, research, surplus disposal, and tariff protection. p. A2766

15. ELECTRICITY. Rep. Cannon inserted his statement and correspondence from the Comptroller General relative to the expansion of TVA facilities through the use of TVA revenues. p. A2766

16. POULTRY. Sen. Morse inserted the text of his statement urging Federal inspection of poultry. p. A2769

84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1982

AMENDING SECTION 406 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO THE ARTIFICIAL COLORING OF ORANGES

MARCH 29, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DIES, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H. R. 7732]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7732) to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following:

> That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further*, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packing house elimination'), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as FD&C Red 32, or certified after such enactment as External D&C Red 14 in accordance with 21 Code of Federal Regulations, Part 9: *And provided further*, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406."

Amend the title so as to read: "A bill to amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to permit the orange industry to continue for a maximum period of 3 years (until March 1, 1959) the long-established practice of artificially coloring with a coal-tar color designated as FD&C Red 32 oranges which are ripe but whose skins do not have the characteristic orange color. The standards of maturity which such oranges must meet are established by the law of the States in which the oranges are grown.

This practice has become an economic necessity for a major segment of the orange industry, since large quantities of oranges grown in Florida and Texas would meet with strong consumer resistance if they were not artificially colored. Oranges so colored are plainly stamped "color added" so that the buying public is fully apprised of this fact.

The Food and Drug Administration does not object to the enactment of the bill as amended.

The need for this legislation arises because the only coal-tar color suitable for coloring oranges (FD&C Red 32) has been stricken from the approved list by the Food and Drug Administration. The Administration, after public hearing, concluded that this particular coal-tar color was not harmless but was toxic, and that under present law the Administration could not list this color as "harmless and suitable for use in food" although the Administration testified before the committee that the scientific evidence so far available does not establish any likelihood of injury to man from use of this color on the exterior of oranges at the levels of use presently employed.

The bill, as amended, provides that the authority to use this color terminates if prior to March 1, 1959, the Food and Drug Administration (pursuant to sec. 406 of the Food, Drug, and Cosmetic Act) places on the approved list another coal-tar color which is harmless and suitable for the coloring of oranges.

The bill, as amended, further provides that the continued authority to use FD&C Red 32 is limited to oranges which are not intended for processing with the exception of oranges designated by the trade as "packinghouse elimination." The latter term is understood by the industry to mean oranges originally not intended for processing but which are sent to processing plants after thay have been colored because for some reason they are not considered suitable for sale as raw fruit.

FD&C Red 32 was introduced for the purpose of coloring in the mid thirties. This color was first placed on the approved list early in 1939 and has been certified since that time for food use. Prior to certification, use of this color on oranges was permitted under a special proviso of section 402 (c) of the Federal Food, Drug, and Cosmetic Act.

The order of the Secretary of Health, Education, and Welfare removing this color and two other coal-tar colors from the approved list was published on November 16, 1955.

Under existing law (sec. 402 (c) of the Federal Food, Drug, and Cosmetic Act), a food bearing a coal-tar color is adulterated unless

the color is from a certified batch. The Department is authorized to list only those coal-tar colors "which are harmless and suitable for use in food," and to "provide for the certification of such [listed] colors with or without harmless diluents."

The order of the Secretary was based on the Department's conclusion, reached after a public hearing and on the basis of a public record and detailed findings of fact, that FD&C Red 32 was not a harmless color, but a toxic one, and hence was not eligible for listing and certification under the law.

The effect of this order is to ban as an adulterated food color-added oranges.

The order of November 16, 1955, has been attacked in three Courts of Appeals: (1) The Certified Coal Tar Color Industry Committee petitioned for review of the entire order in the Second Circuit, and the case is scheduled for argument on May 14, 1956; (2) Eli Lilly & Co. petitioned for review in the Seventh Circuit seeking to set the order aside as it affects use of the colors in drug products; and (3) Florida and Texas orange growers petitioned for review in the Court of Appeals for the Fifth Circuit challenging the order insofar as it prevents use of Red 32 for coloring the skins of oranges. In this case the Government and the petitioners agreed to an order to maintain the status quo, the effect of which is to permit continued certification and use of Red 32 in coloring mature oranges for a temporary period until the case can be argued and decided.

Since the color is an economic necessity and since, according to the testimony of the Food and Drug Administration, the evidence so far available does not establish any likelihood of injury to man from the minute amount of this coal-tar color which might find its way into man's diet from his use of colored oranges, the Committee believes that temporary legislation should be enacted to permit continued use of the color for coloring the skin of mature oranges generally not intended for processing.

However, the committee concluded that this legislation should be limited to a maximum period of 3 years. This will allow time for the necessary scientific studies in the development of a harmless synthetic color. The committee received testimony that these studies are well under way and promise to yield good results. The bill, as amended, will also allow time for the further exploration of the toxicity of FD&C Red 32. Before a final conclusion about the precise toxicity of this color can be drawn, it is necessary to conduct comprehensive, scientific studies of chronic toxicity with laboratory animals over their life span. This will involve feeding tests at levels relating to the quantities of the color that might enter man's diet from his consumption of colored oranges. Such tests and studies will require approximately 3 years and the industry is expected to make these studies during this period.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

Sfction 406 of the Federal Food, Drug, and Cosmetic Act, as Amended

TOLERANCES FOR POISONOUS INGREDIENTS IN FOOD AND CERTIFICATION OF COAL-TAR COLORS FOR FOOD

Sec. 406. (a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of clause (2) of section 402 (a); but when such substance is so required or cannot be so avoided, the Secretary shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 402 (a). While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of section 402 (a). In determining the quantity of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in food and for the certification of batches of such colors, with or without harmless diluents.

Sec. 408. (c) The Secretary shall promulgate regulations providing for the lifting of coal-tar color for use in the coloring of the outside of oranges meeting the standards of maturity and grade of the United States of America and the respective States where used and which are safe in the manner in which used and suitable for such use, and for the certification of batches of such color, with or without diluents which are not unsafe in the manner in which used.

The coal-tar color designated as FD&C Red No. 32 shall be included in the above category and shall continue to be listed until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use.

CHANGES IN EXISTING LAW MADE BY THE COMMITTEE AMENDMENT TO THE BILL, AS REPORTED

For the information of the Members of the House, changes in existing law made by the committee amendment to the bill, as reported, are shown as follows (new matter is shown in italics, existing law in which no change is proposed is shown in roman):

SECTION 402 (c) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED

ADULTERATED FOOD

SEC. 402. A food shall be deemed to be adulterated—(a) * * *

* * * * * * *

(c) If it bears or contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 406: *Provided,* That this paragraph shall not apply to citrus fruit bearing or containing a coal-tar color if application for listing of such color has been made under this Act and such application has not been acted on by the Secretary, if such color was commonly used prior to the enactment of this Act for the purpose of coloring citrus fruit: *Provided further, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as "packinghouse elimination"), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as FD&C Red 32, or certified after such enactment as External D&C Red 14 in accordance with 21 Code of Federal Regulations, Part 9: And provided further, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406.*

○

Union Calendar No. 711

84TH CONGRESS
2D SESSION

H. R. 7732

[Report No. 1982]

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1955

Mr. HALEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

MARCH 29, 1956

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress) (52 Stat. 1049), as amended, be, and the same is hereby amended by adding after subsection (b) of section 406 a new subsection as follows:~~

~~"SEC. 406. (c) The Secretary shall promulgate regulations providing for the lifting of coal tar color for use in the coloring of the outside of oranges meeting the standards~~

~~of maturity and grade of the United States of America and the respective States where used and which are safe in the manner in which used and suitable for such use, and for the certification of batches of such color, with or without diluents which are not unsafe in the manner in which used.~~

~~"The coal tar color designated as FD & C Red No. 32 shall be included in the above category and shall continue to be listed until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use."~~

That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: "Provided further, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packing house elimination'), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as F. D. & C. Red 32, or certified after such enactment as External D. & C. Red 14 in accordance with section 21, Code of Federal Regulations, part 9: And provided further, That the preceding proviso

shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406".

Amend the title so as to read: "A bill to amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges."

Union Calendar No. 711

84TH CONGRESS
2D SESSION

H. R. 7732

[Report No. 1982]

A BILL

To amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, Seventy-fifth Congress), as amended.

By Mr. HALEY

JULY 29, 1955

Referred to the Committee on Interstate and Foreign Commerce

MARCH 29, 1956

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

H. R. 7732

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 17, 1956
For actions of April 16, 1956
84th-2nd, No. 61

CONTENTS

HIGHLIGHTS: House received President's veto message on farm bill. Rep. Laird and others commended President's veto of farm bill. House sent supplemental appropriation bill to conference. House passed bill to regulate coloring of oranges. Several Senators commended and others criticized President's veto of farm bill. Senate debated bill to increase U. S. contributions to FAO. Senate committee reported bill providing construction of small flood-control projects. Sen. Kerr and 6 Reps. introduced, and Rep. Edmondson discussed, bills to control destructive aphids.

HOUSE

1. FARM PROGRAM. Received the President's veto message on H. R. 12, the farm bill (H. Doc. 380). Majority Leader McCormack scheduled further consideration of the message for Wed., Apr. 18. p. 5686

   Rep. Laird commended the President's veto of H. R. 12, the farm bill, and cited the dairy industry's indebtness to the President for his action. He inserted a letter to the President from Reps. Smith, Byrnes, Davis, Withrow, Van Pelt, and himself (all of Wis.) commending the President's action. p. 5727

2. APPROPRIATIONS. Conferees were appo nted on H. R. 10004, the supplemental appropriation bill. p. 5679 Senate conferees were appointed on Apr. 12.

3. FLOOD CONTROL. Rep. Davis, Tenn., announced the schedule of consideration of certain flood control projects in hearings to be held by the Flood Control Subcommittee of the Public Works Committee. p. 5681

4. FARM LOANS. Rep. Keating inserted a letter from the Farmers Production Credit Association of Western New York supporting H. R. 10285, H. R. 10286, H. R. 10315, and S. 3564, all relating to production credit banks and associations. p. 5683

5. SURPLUS COMMODITIES. Rep. Hill noted with approval the increased disposal of farm surpluses by this Department to domestic and foreign programs. p. 5684

6. LAND TRANSFER. Passed over, at the request of Rep. Aspinall, H. R. 6815, to provide for the orderly disposition of certain lands acquired under Title III of the Bankhead-Jones Farm Tenant Act. p. 5688

7. RECORDS. Passed over, at the request of Rep. Cunningham, S. 2364, to permit GSA to prescribe policies and principles (instead of merely developing standards, as provided in existing law) to be followed by Government departments and agencies in connection with records management, and to authorize GSA to direct and effect the transfer to the National Archives of any Federal records that have been in existence for over 50 years. p. 5688

8. FRUITS. Passed as reported H. R. 7732, to amend the Federal Food, Drug, and Cosmetic Act so as to provide for the regulation of the use of coal tar coloring for the outside of certain oranges. p. 5696

9. ACCOUNTING; BUDGETING. Both Houses received from this Department a report of the over-obligation of two allotments by the USDA; to the Appropriations Committees. pp. 5616, 5731

10. RECLAMATION. Received from the Interior Department a report on the Little Wood River project, Ida. (H. Doc. 381); to the Interior and Insular Affairs Committee. p. 5731

11. CROP INSURANCE. Received from the Comptroller General a report on the audit of the FCIC for the 1955 fiscal year (H. Doc. 382); to the Government Operations Committee. p. 5731

12. PERSONNEL. Conferees were appointed on H. R. 5862, to confer jurisdiction upon the U. S. District Courts to adjudicate certain claims of Federal employees for the recovery of fees, salaries, or compensation. p. 5679

SENATE

13. FARM PROGRAM. Several Senators commended and others criticized the President's veto of H. R. 12, the farm bill. pp. 5644, 45, 56, 62

14. FAO. Began debate on S. J. Res. 97, which increased the ceiling on the U. S. annual contribution to FAO from $2 million to $3 million. Agreed to an amendment by Sen. Mansfield which provides that payments by the U. S. to the FAO and to the International Labor Organization shall not exceed 33⅓ percent of the total assessed budget of those organizations. pp. 5645, 63

15. FLOOD CONTROL. The Public Works Committee reported without amendment S. 3272, to increase and make certain revisions in the general authorization for small flood-control projects. (S. Rept. 1732). p. 5625

16. APPROPRIATIONS. The Appropriations Committee was authorized to file its report on H. R. 9390, the Interior Department appropriation bill, during recess of the Senate on Tues. (p. 5645). The subcommittee reported this bill to the full Committee (p. D340).

section 15 of the act of March 20, 1933 (48 Stat. 11; 38 U. S. C. 715), or section 604 of this act compensation payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child, or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided*, That no compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

TITLE VII—ADMINISTRATIVE PROVISIONS

SEC. 701. The Administrator is authorized to prescribe, promulgate, and publish such rules and regulations as are consistent with the provisions of this act, and necessary to carry out its purposes.

SEC. 702. The Administrator is authorized in carrying out the provisions of this act to delegate authority to render decisions to such person or persons as he may find necessary. Within the limitations of such delegations, any decisions rendered by such person or persons shall have the same force and effect as though rendered by the Administrator.

SEC. 703. There shall be no recovery of payments made under this act from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount is waived under this section.

TITLE VIII—AMENDMENTS AND REPEALS

Amendments

SEC. 801. (a) Paragraph II, part IV, Veterans Regulation No. 1 (a), is hereby amended by deleting the language "a pension under part I or part II of Veterans Regulation No. 1 (a)" and inserting in lieu thereof the language "compensation under the Veterans Compensation Act of 1955."

(b) Subparagraphs I (c) and (d), part III, Veterans Regulation No. 1 (a), as amended, are hereby amended by deleting "part I" in each subparagraph and inserting in lieu thereof "paragraph I, Veterans Regulation No. 10, as amended."

(c) Section 212 (b) of the act of June 30, 1932 (47 Stat. 406), as amended (5 U. S. C. 59a), is hereby amended by deleting the language "during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part I, paragraph I." and inserting in lieu thereof the language "during a period of war as defined in section 201 of the Veterans Compensation Act of 1955."

(d) Section 31 of the act of March 28, 1934 (48 Stat. 526; 38 U. S. C. 501a), is hereby amended by deleting the language "of Public Law No. 78, and of this title" and inserting in lieu thereof the language "and of title III of the Veterans Compensation Act of 1955."

(e) Section 2 of the act of August 12, 1935 (49 Stat. 609; 38 U. S. C. 556a), is hereby amended by deleting the language "the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the Emergency Officers' Retirement Act, as amended, the World War Adjusted Compensation Act, as amended, the pension laws in effect prior to March 20, 1933, Public Law No. 2, 73d Congress, as amended, Public Law No. 484, 73d Congress, or under any act or acts amendatory of such acts," and inserting in lieu thereof the language "any laws now or hereafter administered by the Veterans' Administration."

(f) The second paragraph of section 9 of the act of October 17, 1940 (54 Stat. 1196; 38 U. S. C. 555a), is hereby amended by inserting immediately after "Public Law No. 2, 73d Congress" the language "or section 604 of the Veterans Compensation Act of 1955."

(g) Section 12 of the act of October 17, 1940 (54 Stat. 1197; 38 U. S. C. 501a–1), is hereby amended by substituting a comma for the period following "March 28, 1934" and inserting the language "as now or hereafter amended."

(h) The act of December 28, 1950 (64 Stat. 1121), as amended (38 U. S. C. 701a), is is hereby amended by deleting the language "part I, Veterans Regulation No. 1 (a), as amended" and inserting in lieu thereof the language "part I of title II of the Veterans' Compensation Act of 1955."

(i) Section 15 of the act of March 20, 1933 (38 U. S. C. 715), is amended by inserting before the words "and, in addition", the words "and under the Veterans' Compensation Act of 1955."

Repeals

SEC. 802. The following provisions of law are hereby repealed:

(1) In the Revised Statutes, as amended: Sections 4692 (38 U. S. C. 151); 4693 (38 U. S. C. 152); 4694 (38 U. S. C. 155); 4695 (38 U. S. C. 153); 4696 (38 U. S. C. 154); 4697 (38 U. S. C. 155a); 4698 (38 U. S. C. 156); 4698½ (38 U. S. C. 58); 4699 (38 U. S. C. 177); 4702 (38 U. S. C. 191); 4703 (38 U. S. C. 198); 4705 (38 U. S. C. 198); 4706 (38 U. S. C. 200); 4707 (38 U. S. C. 203, 204); 4712 (38 U. S. C. 21); 4713 (38 U. S. C. 95); 4722 (38 U. S. C. 23); 4728 (38 U. S. C. 221); 4729 (38 U. S. C. 223); 4735 (38 U. S. C. 201); and 4776 (38 U. S. C. 74).

(2) Act of June 18, 1874 (18 Stat. 78; 38 U. S. C. 157).

(3) Act of February 28, 1877 (19 Stat. 264; 38 U. S. C. 164).

(4) Act of March 3, 1877 (19 Stat. 403; 38 U. S. C. 222).

(5) Act of June 17, 1878 (20 Stat. 144; 38 U. S. C. 159).

(6) Act of June 18, 1878 (20 Stat. 166; 38 U. S. C. 153).

(7) Act of January 25, 1879 (20 Stat. 265; 38 U. S. C. 91).

(8) Section 2 of the act of March 3, 1879 (20 Stat. 470; 38 U. S. C. 92, 93).

(9) Act of March 3, 1879 (20 Stat. 484; 38 U. S. C. 159).

(10) The proviso to the first sentence of section 3 of the act of June 21, 1879 (21 Stat. 30 ; 38 U. S. C. 58).

(11) Act of June 16, 1880 (21 Stat. 281; 38 U. S. C. 158).

(12) Act of March 3, 1883 (22 Stat. 453; 38 U. S. C. 165, 169, 179).

(13) Act of March 3, 1885 (23 Stat. 437).

(14) The second proviso to the third paragraph of the act of March 3, 1885 (23 Stat. 362; 38 U. S. C. 24).

(15) Act of March 19, 1886 (24 Stat. 5; 38 U. S. C. 195, 196).

(16) Act of August 4, 1886 (24 Stat. 220; 38 U. S. C. 166).

(17) The second proviso to the second paragraph of the act of June 7, 1888 (25 Stat. 173; 38 U. S. C. 94).

(18) Act of August 27, 1888 (25 Stat. 449; 38 U. S. C. 171, 173).

(19) Act of February 12, 1889 (25 Stat. 659; 38 U. S. C. 163).

(20) Act of March 4, 1890 (26 Stat. 16; 38 U. S. C. 174).

(21) Section 1 of the act of June 27, 1890 (26 Stat. 182; 38 U. S. C. 203).

(22) Act of July 14, 1892 (27 Stat. 149; 38 U. S. C. 175).

(23) The last two provisos of the third paragraph of the act of March 2, 1895 (28 Stat. 704; 38 U. S. C. 176).

(24) Act of January 15, 1903 (32 Stat. 773; 38 U. S. C. 172).

(25) Act of March 2, 1903 (32 Stat. 944; 38 U. S. C. 162, 167).

(26) Act of April 8, 1904 (33 Stat. 163; 38 U. S. C. 160).

(27) The third proviso of the second paragraph of the act of March 4, 1907 (34 Stat. 1406; 38 U. S. C. 178).

(28) The last sentence, sixth paragraph under the heading "Bureau of Supplies and Accounts", of the act of March 3, 1915 (38 Stat. 940), as amended (38 U. S. C. 179).

(29) Section 313 of the act of October 6, 1917 (40 Stat. 408), as amended (38 U. S. C. 502).

(30) Sections 3 and 5 of the act of May 1, 1920 (41 Stat. 586, 587; 38 U. S. C. 168, 312, 314).

(31) Section 3 of the act of June 5, 1920 (41 Stat. 982; 38 U. S. C. 161, 168).

(32) Section 3 of the act of September 1, 1922 (42 Stat. 835; 38 U. S. C. 354).

(33) In the World War Veterans Act, 1924 (act of June 7, 1924; 43 Stat. 607): Sections 200, as amended (38 U. S. C. 471); 201, as amended (38 U. S. C. 472); 202, as amended (38 U. S. C. 473–480, 482–491); 203, as amended (38 U. S. C. 492); 204 (38 U. S. C. 493); 205 (38 U. S. C. 494); 207 (38 U. S. C. 496); 210, as amended (38 U. S. C. 499); 211 (38 U. S. C. 500); 212, as amended (38 U. S. C. 422); 213 (38 U. S. C. 501); and 214, as added by section 21, act of July 3, 1930 (46 Stat. 1000), as amended (38 U. S. C. 501b).

(34) Act of May 5, 1926 (44 Stat. 396; 38 U. S. C. 168b).

(35) Section 1 of the act of February 11, 1927 (44 Stat. 1085; 38 U. S. C. 168a).

(36) Act of April 27, 1928 (45 Stat. 466; 38 U. S. C. 232).

(37) Sections 1 and 2 of the act of July 2, 1930 (46 Stat. 847; 38 U. S. C. 238, 238 (a)).

(38) In the act of March 20, 1933 (48 Stat. 8): Subsections 1 (a) and 1 (c) (38 U. S. C. 701); 1 (g), as added by section 1 of the Act of June 19, 1948 (62 Stat. 500), as amended (38 U. S. C. 701); sections 2, 3, and 4 (38 U. S. C. 702–704); and 38 (U. S. C. 719).

(39) In the Veterans Regulations, as amended (38 U. S. C. ch. 12A)—

(a) parts I. II, VI, IX, and paragraph I of part IV of Veterans Regulation No. 1 (a);

(b) subparagraph III (a) of part I, and part III of Veterans Regulation No. 2 (a);

(c) Veterans Regulation No. 3 (a);

(d) Veterans Regulation No. 4;

(e) paragraphs VIII, XII, XV, and XVIII of Veterans Regulation No. 10; and

(f) Veterans Regulation No. 12.

(40) The first, third, and fourth paragraphs of section 20 of the Independent Offices Appropriation Act, 1934 (48 Stat. 309), as amended (38 U. S. C. 722).

(41) Section 4 of the act of March 27, 1934 (48 Stat. 508).

(42) Sections 26, 27, and 34 of the Independent Offices Appropriation Act, 1935 (48 Stat. 524, 526; 38 U. S. C. 473a, 471a, 723).

(43) Section 2 of the act of August 26, 1935 (49 Stat 869; 38 U. S. C. 724).

(44) Act of June 24, 1936 (49 Stat. 1910; 38 U. S. C. 703a).

(45) Section 400 of the act of June 29, 1936 (49 Stat. 2034; 38 U. S. C. 472a).

(46) Sections 3 and 8 of the act of August 16, 1937 (50 Stat. 660, 662; 38 U. S. C. 472b, 472e).

(47) Act of June 28, 1938 (52 Stat. 1214; 38 U. S. C. 35).

(48) Act of July 19, 1939 (53 Stat. 1067), as amended (38 U. S. C. 703b, 703c).

(49) Section 5 of the act of July 19, 1939 (53 Stat. 1070), as amended (38 U. S. C. 472b).

(50) Act of June 6, 1940 (54 Stat. 237).

(51) Sections 6 and 8 and the first paragraph of section 9 of the act of October 17, 1940 (54 Stat. 1196; 38 U. S. C. 473, 703b, note, 555a).

(52) Section 1 of the act of July 30, 1941 (55 Stat. 608; 38 U. S. C. 725).

(53) Section 1 of the act of August 21, 1941 (55 Stat. 665; 38 U. S. C. 357b).

(54) Sections 2 and 3 of the act of December 19, 1941 (55 Stat. 844).

(55) Act of December 20, 1941 (55 Stat. 847; 38 U. S. C. 726).

(56) Section 10 of the act of July 11, 1942 (56 Stat. 659; 38 U. S. C. 472b–1).

(57) Act of July 30, 1942 (56 Stat. 731).

(58) Sections 14 and 17 of the act of July 13, 1943 (57 Stat. 558, 560), as amended (38 U. S. C. 731, 732).

(59) Section 1 of the act of May 27, 1944 (58 Stat. 229; 38 U. S. C. 471a–1).

(60) Act of September 7, 1944 (58 Stat. 728; 38 U. S. C. 733).

(61) Act of December 7, 1944 (58 Stat. 797; 38 U. S. C. 471a–2).

(62) Act of June 27, 1946 (60 Stat. 319; 38 U. S. C. 736–738).

(63) Section 2 of the act of August 8, 1946 (60 Stat. 910; 38 U. S. C. 471a–3).

(64) The paragraph following the heading "Veterans' Administration" in section 101, title I, First Supplemental Appropriation Act, 1947 (60 Stat. 915; 38 U. S. C. 252).

(65) The second paragraph following the heading "Veterans' Administration" in section 1 of the Emergency Appropriation Act, 1948 (61 Stat. 244; 38 U. S. C. 252, note).

(66) The second paragraph following the heading "Veterans' Administration," in section 101 of the Second Deficiency Appropriation Act, 1948 (62 Stat. 1035; 38 U. S. C. 252, note).

(67) Act of July 2, 1948 (62 Stat. 1219; 38 U. S. C. 740–743).

(68) Act of August 1, 1949 (63 Stat. 484; 38 U. S. C. 744).

(69) Sections 1 and 2 of the act of October 10, 1949 (63 Stat. 731, 732; 38 U. S. C. 722, 740, 741).

(70) The paragraph following the heading "Veterans' Administration" in section 101 of the Third Deficiency Appropriation Act, 1949 (63 Stat. 744; 38 U. S. C. 252, note).

(71) Act of October 29, 1949 (63 Stat. 1026; 38 U. S. C. 471a–4, 471a–4 note).

(72) Act of September 21, 1950 (64 Stat. 894; 38 U. S. C. 252).

(73) Act of October 20; 1951 (65 Stat. 574; 38 U. S. C. 252a–252e, 252a note.)

(74 Section 1 of the act of May 23, 1952 (66 Stat. 90; 38 U .S. C. 4a–5).

(75) Subsections (B) through (E) of section 1 and sections 3 through 6 of the act of June 30, 1952 (66 Stat. 295, 296; 38 U. S. C., ch. 12A, 473, 473 note, 478, 480).

(76) Section 2 of the act of June 30, 1954 (Public Law 463, 83d Cong., 68 Stat. 360).

(77) The act of August 28, 1954 (68 Stat. 915; 38 U. S. C. 748, 749).

TITLE IX—SAVINGS PROVISIONS AND EFFECTIVE DATE

Savings Provisions

SEC. 901. A claim for compensation which is pending in the Veterans' Administration on the effective date of this act, shall be adjudicated under the laws in effect on the day preceding the effective date of this act with respect to the period prior to that date and, except as provided in subsection 902 (b), under this act thereafter. If a disallowance is required under such laws but entitlement is shown under this act, the pending claim shall be considered a claim under this act. A claim for assistance in acquiring specially adapted housing or an automobile or other conveyance which is pending in the Veterans' Administration on the effective date of this act shall be considered a claim for such assistance under this act.

SEC. 902. (a) Any person who is receiving compensation on the day prior to the effective date of this act at a rate equal to or less than that to which he would be entitled under the provisions of this act shall, except where there was fraud, clear and unmistakable error as to conclusions of fact or law, or misrepresentation of material facts, be paid compensation under this act beginning with the effective date of this act.

(b) Any person who is receiving compensation on the day prior to the effective date of this act under the laws in effect on that day and who is not entitled to compensation under this act, or who is entitled to compensation at a higher rate under such laws than that to which he would be entitled under this act, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue to be paid the rate of compensation payable on the day prior to the effective date of this act, so long as the conditions warranting such payment under those laws continue. In the event there is a change in such conditions, the entitlement thereafter of such person to compensation will be determined, except as to service connection, without regard to the laws repealed by section 802 of this act. The provisions of this subsection shall apply to those claims within the purview of section 901 of this act in which it is determined on or after the effective date of this act that compensation is payable for the day prior to the effective date of this act.

SEC. 903. A claim for disability compensation filed on or after the effective date of this act and within 1 year from the date of the veteran's separation during the year immediately preceding such effective date from active military, naval, or air service, or a claim for death compensation filed on or after the effective date of this act and within 1 year from the date of the veteran's death occurring in the year immediately preceding such effective date will be adjudicated under title III of this act and the laws in effect on the day preceding such effective date. If entitlement is established, compensation will be paid under such laws for the appropriate period prior to the effective date of this act and under this act thereafter.

SEC. 904. All offenses committed and all penalties or forfeiture incurred under the laws repealed by section 802 of this act may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made and any person who forfeited rights to benefits under any such laws shall not be entitled to any benefits under this act.

Effective Date

SEC. 905. This act shall take effect on the 1st day of the 13th calendar month following the date of enactment.

With the following committee amendments:

On page 1, line 7, strike out "1955" and insert "1956."

On page 2, line 11, strike out "(d)" and insert "(c)."

On page 47, line 13, strike out "1955" and insert "1956."

On page 47, line 25, strike out "1955" and insert "1956."

On page 48, line 5, strike out "1955" and insert "1956."

On page 48, line 22, strike out "1955" and insert "1956."

On page 49, line 8, strike out "1955" and insert "1956."

On page 49, line 12, strike out "1955" and insert "1956."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SALE OF CERTAIN LANDS TO PALM SPRINGS UNIFIED SCHOOL DISTRICT

The Clerk called the bill (H. R. 6084) to authorize the Secretary of the Interior to sell certain lands of the Agua Caliente Band of Mission Indians, California, to the Palm Springs Unified School District.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, with the consent of the tribal council of the Agua Caliente Band of Mission Indians, the Secretary of the Interior is authorized and directed to sell to the Palm Springs Unified School District of the State of California, in consideration of the payment by such school district of an amount agreed to by such tribal council, the Secretary of the Interior, and such school district all of the right, title, and interest of the United States and of the Agua Caliente Band of Mission Indians in and to that tract of land containing 10 acres, and more particularly described as follows: Southwest quarter northeast quarter southeast quarter, section 14, township 4 south, range 4 east, San Bernardino base and meridian.

SEC. 2. The proceeds of such sale shall be deposited in the Treasury of the United States to the credit of the Agua Caliente Band of Mission Indians.

With the following committee amendment:

Page 2, line 7, strike the word "Indians." and insert in lieu thereof the words "Indians, and such proceeds, when distributed to individual members of said band, shall not be subject to Federal income tax."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 406 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (H. R. 7732) to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.) (52 Stat. 1049), as amended, be, and the same is hereby amended by adding after subsection (b) of section 406 a new subsection as follows:

"SEC. 406. (c) The Secretary shall promulgate regulations providing for the lifting of coal tar color for use in the coloring of the outside of oranges meeting the standards of maturity and grade of the United States of America and the respective States where used and which are safe in the manner in which used and suitable for such use, and for the certification of batches of such color, with or without diluents which are not unsafe in the manner in which used.

"The coal tar color designated as FD & C Red No. 32 shall be included in the above category and shall continue to be listed until a color or colors which is or are more acceptable on the basis of standards set up by the Secretary may be listed and made available for use."

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: *'Provided further*, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were

grown and not intended for processing (other than oranges designated by the trade as "packing house elimination"), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as FD&C Red 32, or certified after such enactment as External D&C Red 14 in accordance with 21 Code of Federal Regulations, part 9: *And provided further,* That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges."

A motion to reconsider was laid on the table.

CONVEYANCE OF A PORTION OF FORMER PRISONER OF WAR CAMP NEAR DOUGLAS, CONVERSE COUNTY, WYO., TO THE STATE OF WYOMING

The Clerk called the bill (H. R. 8404) to provide for the conveyance of a portion of the former prisoner of war camp, near Douglas, Converse County, Wyo., to the State of Wyoming, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of General Services is authorized and directed, upon certification to him by the Secretary of Defense and the Governor of Wyoming that the property described in section 2 of this act is needed for the training or support of the National Guard of Wyoming, to convey the property to the State of Wyoming, by quitclaim deed, without monetary consideration therefor, upon such terms and conditions as the Administrator determines to be necessary to properly protest the interests of the United States: *Provided, however,* That such deed of conveyance by express term shall—

(a) reserve to the United States all mineral rights including gas and oil;

(b) reserve to the United States right of exclusive use without charge therefor of such property together with any improvements thereon during any period of national emergency; and

(c) specify that said property shall be used for the training of the National Guard or for other military purposes, and in the event of nonuse for such purpose, shall, in its then existing condition together with any improvements thereon, at the option of the United States as determined and exercised by the Secretary of Defense, revert to the United States.

SEC. 2. The real property to be conveyed to the State of Wyoming is described as follows:

All the northeast quarter of the southeast quarter of section 7, township 32 north, range 71 west, except seventy-four one-hundredths acre in the southwest corner of said northeast quarter of the southeast quarter of section 7, such excepted portion being more particularly described as follows: Beginning at a point on the west line of said northeast quarter of the southeast quarter of section 7, bearing north 60 degrees 53 minutes east a distance of 1,504.2 feet; thence south 29 degrees 10 minutes east on present fence line a distance of 124 feet; thence south no degrees 21 minutes east on present fence line to the south boundary of the northeast quarter of the southeast quarter of section 7; thence south 89 degrees 28 minutes west on present fence line a distance of 58.33 feet to a point on the west line of the northeast quarter of the southeast quarter of section 7; thence north no degrees 28 minutes west on said west line of the northeast quarter of the southeast quarter of said section 7, a distance of 590 feet to the point of beginning; and containing in all thirty-nine and twenty-six one-hundredths acres, more or less, subject to easement granted to the town of Douglas, Converse County, Wyoming, for a pipeline for transportation of water, together with the right of ingress and egress, said pipeline running parallel with and distant 27 feet west of the centerline of the LePrele County Road.

SEC. 3. The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the State of Wyoming.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING PUBLIC HEALTH SERVICE ACT

The Clerk called the bill (S. 2587) to amend the Public Health Service Act to authorize the President to make the commissioned corps a military service in time of emergency involving the national defense, and to authorize payment of uniform allowances to officers of the corps in certain grades when required to wear the uniform, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 216 of the Public Health Service Act (42 U. S. C. 217) is amended to read as follows:

"USE OF SERVICE IN TIME OF WAR OR EMERGENCY

"SEC. 16. In time of war, or of emergency proclaimed by the President, he may utilize the Service to such extent and in such manner as shall in his judgment promote the public interest. In time of war, or of emergency involving the national defense proclaimed by the President, he may by Executive order declare the commissioned corps of the Service to be a military service. Upon such declaration, and during the period of such war or such emergency or such part thereof as the President shall prescribe, the commissioned corps (a) shall constitute a branch of the land and naval forces of the United States, (b) shall, to the extent prescribed by regulations of the President, be subject to the Uniform Code of Military Justice, and (c) shall continue to operate as part of the Service except to the extent that the President may direct as Commander in Chief."

SEC. 2. (a) Section 213 of the Public Health Service Act (42 U. S. C. 214) is amended to read as follows:

"SEC. 213. An allowance of $250 for uniforms and equipment is authorized to be paid to each commissioned officer of the Service on active duty when required by directive of the Surgeon General to wear a uniform, if at such time the officer is receiving the pay of the junior assistant, assistant, or senior assistant grade; except that no officer who has received such an allowance from the Service shall at any time thereafter be entitled to any further allowance."

(b) Section 707 of the Act of July 1, 1944 (58 Stat. 713), so renumbered by section 5 of the Act of August 13, 1946 (60 Stat. 1049; 42 U. S. C. 214, note), is repealed.

SEC. 3. (a) Section 201 (a) (1) of the Public Health Service Act (42 U. S. C. 209 (a) (1)) is amended by striking out the words "subsection (b)" and inserting in lieu thereof "subsections (b) and (e)."

(b) Section 207 of such act (42 U. S. C. 209) is amended by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i) respectively and by adding immediately following section (d) a new subsection (e) as follows:

"(e) (1) A former officer of the Regular Corps may, if application for appointment is made within 2 years after the date of the termination of his prior commission in the Regular Corps, be reappointed to the Regular Corps without examination, except as the Surgeon General may otherwise prescribe, and without regard to the numerical limitations of subsection (b).

"(2) Reappointments pursuant to this subsection may be made to the permanent grade held by the former officer at the time of the termination of his prior commission, or to the next higher grade if such officer meets the eligibility requirements prescribed by regulation for original appointment to such higher grade. For purposes of pay, promotion, and seniority in grade, such reappointed officer shall receive the credits for service to which he would be entitled if such appointment were an original appointment, but in no event less than the credits he held at the time his prior commission was terminated, except that if such officer is reappointed to the next higher grade he shall receive no credit for seniority in grade.

"(3) No former officer shall be reappointed pursuant to this subsection unless he shall meet such standards as the Secretary may prescribe."

(c) (1) Section 207 (a) (2) of such act (42 U. S. C. 209 (a) (2)) is amended by striking out "a period of not more than 5 years" and inserting in lieu thereof "an indefinite period."

(2) The enactment of paragraph (1) of this subsection shall not affect the term of the commission of any officer in the Reserve Corps in effect on the date of such enactment unless such officer consents in writing to the extension of his commission for an indefinite period, in which event his commission shall be so extended without the necessity of a new appointment.

SEC. 4. (a) Section 210 (d) (2) of the Public Health Service Act (42 U. S. C. 211 (a) (2)) is amended by striking out "pay period and for purposes of."

SEC. 5. (a) The first sentence of section 211 (a) of the Public Health Service Act (42 U. S. C. 212 (a)) is amended by striking out "active commissioned service" and inserting in lieu thereof "active commissioned or noncommissioned service."

(b) Section 211 (b) (1) of such act (42 U. S. C. 212 (b) (1)) is amended by striking out "active commissioned service, including any such service in the Army, Navy, or Coast Guard" and inserting in lieu thereof "active commissioned or noncommissioned service in the Service including any active commissioned service in the Armed Forces."

(c) Section 211 (c) of such act (42 U. S. C. 212 (c)) is amended to read as follows:

"(c) A commissioned officer who has been retired under the provisions of this section may, (1) if an officer of the Regular Corps, be involuntarily recalled to active duty during such times as the Corps may constitute a branch of the land and naval forces of the United States, and (2) if an officer of either the Regular Corps or the Reserve Corps, be recalled to active duty at any time with his consent."

(d) The proviso of the paragraph headed "Retired Pay of Commissioned Officers," in chapter 296, 67 Statutes at Large 245, which appears at page 254 (42 U. S. C. 212b) and which reads as follows: "*Provided,* That hereafter a commissioned officer of the Public

Health Service who has been retired may be recalled to active duty, other than in time of war, with his consent," is repealed.

(e) Section 706 of the act of July 1, 1944 (58 Stat. 713), so renumbered by section 5 of the act of August 13, 1946 (60 Stat. 1049), as amended (42 U. S. C. 230), is repealed.

SEC. 6. (a) Section 218 (a) of the Public Health Service Act (42 U. S. C. 218a (a)) is amended (1) by striking out the words "in the Regular Corps," and (2) by striking out the words "any educational institution" and inserting in lieu thereof the words "any Federal or non-Federal educational institution or training program."

(b) Section 218 (b) of such act (42 U. S. C. 218a (b)) is amended to read as follows:

"(b) Any officer whose tuition and fees are paid pursuant to subsection (a) while attending an educational institution or training program for a period in excess of 30 days shall be obligated to reimburse the Service for such tuition and fees if thereafter he voluntarily leaves the service within whichever of the following periods of active service is the greater: (1) 6 months, or (2) twice the period of such attendance but in no event more than 2 years. Such subsequent period of service shall commence upon the cessation of such attendance and of any for other continuous period of training duty for which no tuition and fees are paid by the service and which is part of the officer's prescribed formal training program, whether such further training is at a service facility or otherwise. The Surgeon General may waive, in whole or in part, any reimbursement which may be required by this subsection upon a determination that such reimbursement would be inequitable or would not be in the public interest."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING AND DIRECTING EXCHANGES OF SALES OF PUBLIC LANDS WITHIN OR ADJACENT TO DISTRICT OF PUNA, T. H.

The Clerk called the bill (H. R. 7891) to authorize and direct the exchanges and sales of public lands within or adjacent to the district of Puna, county of Hawaii, T. H., for the relief of persons whose lands were destroyed by volcanic activity.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Public Lands of the Territory of Hawaii is authorized and directed to exchange public lands within or adjacent to the district of Puna, county of Hawaii, T. H., for lands destroyed by volcanic activity occurring during March and April 1955. The Territory may not convey lands exceeding 40 acres in area or $5,000 in value. For the purposes of the exchange the destroyed lands are to be appraised at the market value just prior to the time of destruction, but the value of improvements such as crops and buildings shall be excluded therefrom.

SEC. 2. After the limits of exchange have been exhausted the Commissioner is authorized to sell to those who have been unable to replace all the lands destroyed public lands not exceeding 80 acres in area, or the area of destroyed land, whichever is less, deducting therefrom the area conveyed by the Territory by exchange as provided in section 1. Such a sale shall be made without public auction, drawing or lot or the approval of the board of public lands.

SEC. 3. If the lessor of any destroyed lands should fail to exchange or purchase lands to replace his destroyed lands, his lessee may purchase under the provisions of this act public lands not exceeding 80 acres in area or the area of destroyed land leased by him, whichever is less.

SEC. 4. In order to come within the provisions of this act, persons must file applications showing the area and approximate value of lands, owned or leased by them, which were destroyed by volcanic activity, within 2 years of the date of approval of this act.

SEC. 5. Except as changed herein, all applicable provisions of the Organic Act of Hawaii remain in force.

SEC. 6. This act shall take effect on and after the date of its approval.

With the following committee amendments:

Page 1, line 6, following the word "lands" insert the words "within the county of Hawaii."

Page 2, line 7, following the word "lands" insert the words "within or adjacent to the district of Puna, county of Hawaii, T. H."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORMER PRISONER OF WAR CAMP NEAR DOUGLAS, CONVERSE COUNTY, WYO.

By unanimous consent, the proceedings whereby the bill (H. R. 8404) to provide for the conveyance of a portion of the former prisoner of war camp, near Douglas, Converse County, Wyo., to the State of Wyoming, and for other purposes, was passed, were vacated.

The Clerk called the bill (H. R. 8404) to provide for the conveyance of a portion of the former prisoner of war camp, near Douglas, Converse County, Wyo., to the State of Wyoming, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of General Services is authorized and directed, upon certification to him by the Secretary of Defense and the Governor of Wyoming that the property described in section 2 of this act is needed for the training or support of the National Guard of Wyoming, to convey the property to the State of Wyoming, by quitclaim deed, without monetary consideration therefor, upon such terms and conditions as the Administrator determines to be necessary to properly protect the interests of the United States: *Provided, however,* That such deed of conveyance by express term shall—

(a) reserve to the United States all mineral rights including gas and oil;

(b) reserve to the United States right of exclusive use without charge therefor of such property together with any improvements thereon during any period of national emergency; and

(c) specify that said property shall be used for the training of the National Guard or for other military purposes, and in the event of nonuse for such purpose, shall, in its then existing condition together with any improvements thereon, at the option of the United States as determined and exercised by the Secretary of Defense, revert to the United States.

SEC. 2. The real property to be conveyed to the State of Wyoming is described as follows:

All the northeast quarter of the southeast quarter of section 7, township 32 north, range 71 west, except seventy-four one-hundredths acre in the southwest corner of said northeast quarter of the southeast quarter of section 7, such excepted portion being more particularly described as follows: Beginning at a point on the west line of said northeast quarter of the southeast quarter of section 7, bearing north 60 degrees, 53 minutes east a distance of 1,504.2 feet; thence south 29 degrees 10 minutes east on present fence line a distance of 124 feet; thence south no degrees 21 minutes east on present fence line to the south boundary of the northeast quarter of the southeast quarter of section 7; thence south 89 degrees 28 minutes west on present fence line a distance of 58.33 feet to a point on the west line of the northeast quarter of the southeast quarter of section 7; thence north no degrees 28 minutes west on said west line of the northeast quarter of the southeast quarter of said section 7, a distance of 590 feet to the point of beginning; and containing in all thirty-nine and twenty-six one-hundreds acres, more or less, subject to an easement granted to the town of Douglas, Converse County, Wyo., for a pipeline for transportation of water, together with the right of ingress and egress, said pipeline running parallel with and distant 27 feet west of the centerline of the LaPrele County Road.

SEC. 3. The cost of any surveys necessary as an incident of the conveyance authorized shall be borne by the State of Wyoming.

Mr. BROOKS of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS of Texas: On page 2, line 1, strike out the word "protest" and insert "protect."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RATIFYING AND CONFIRMING ACT 249 OF THE SESSION LAWS OF HAWAII

The Clerk called the bill (H. R. 7426) to ratify and confirm Act 249 of the Session Laws of Hawaii, 1955, as amended, and to authorize the issuance of certain highway revenue bonds by the Territory of Hawaii.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Territory of Hawaii, any provision of the Hawaiian Organic Act or any other act of Congress to the contrary notwithstanding, is authorized and empowered to issue highway revenue bonds in a sum not to exceed $50 million payable from funds derived from highway vehicle fuel taxes, for the purpose of providing for the construction and maintenance of highways in the Territory. The issuance of such revenue bonds shall not constiute the incurrence of an indebtedness within the meaning of the Hawaiian Organic Act, and shall not require the approval of the President of the United States.

SEC. 2. All bonds issued under authority of section 1 shall be issued pursuant to legislation enacted by the legislature of the Territory which shall provide (1) that, so long as any of the bonds are outstanding, highway vehicle fuel taxes shall be levied

H. R. 7732

84TH CONGRESS
2D SESSION

H. R. 7732

IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, APRIL 9), 1956

Read twice and referred to the Committee on Labor and Public Welfare

AN ACT

To amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further,* That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packing house elimination'), the skins of which have been colored at any time

prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as F. D. & C. Red 32, or certified after such enactment as External D. & C. Red 14 in accordance with section 21, Code of Federal Regulations, part 9: *And provided further*, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406".

Passed the House of Representatives April 16, 1956.

Attest: RALPH R. ROBERTS,

Clerk.

84TH CONGRESS
2D SESSION

H. R. 7732

AN ACT

To amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges.

APRIL 18 (legislative day, APRIL 9), 1956
Read twice and referred to the Committee on Labor and Public Welfare

AN ACT

by a vote of 36 to 52, an amendment by Sen. Johnston to limit the importation of cotton textile products when the Secretary of Agriculture determines there is a surplus of cotton in the U. S. (P. 10177).

14. MILITARY CONSTRUCTION; SURPLUS COMMODITIES. Passed with amendments H. R. 9893, to authorize certain construction at military installations. The bill authorizes the Secretary of Defense to use for family housing construction in foreign countries, foreign currencies not to exceed $250 million acquired through provisions of the Agricultural Trade Development and Assistance Act or other commodity transactions of the CCC. Conferees were appointed. p. 10138

15. POULTRY. Sen. Neuberger inserted two Labor Union resolutions favoring legislation for the compulsory inspection of poultry. p. 10117

16. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 2217, to provide for the transfer of title to irrigation distribution systems constructed under the Federal reclamation laws upon completion of repayment of the costs (S. Rept. 2379). p. 10118

17. MINING; FORESTRY. Sen. Neuberger inserted a newspaper editorial commenting on the Al Sarena mining investigation. p. 10129

Passed without amendment H. R. 10872, to provide for an extension of time during which annual assessment work on unpatented mining claims may be made. Reconsidered the vote by which S. 3773, a similar bill, was passed on June 27, and further consideration of this bill was indefinitely postponed. The House bill will now be sent to the President. p. 10136

18. FOREIGN AFFAIRS. Sen. Flanders suggested certain techniques the U. S. should follow in providing assistance to underdeveloped countries. p. 10130

19. FLOOD INSURANCE. Sen. Lehman urged the passage of Federal flood insurance legislation this session, and inserted several letters on the matter. p. 10133

20. LABOR AND PUBLIC WELFARE COMMITTEE ordered reported the following bills: p.D703
S. 2663, with amendment, to establish an effective program to alleviate conditions of excessive unemployment in certain economicaly depressed areas;
H. R. 9260, with amendment, to extend the VA guaranteed loan program for 1 year until July 25, 1958;
H. R. 7732, without amendment, to amend the Federal Food, Drug, and Cosmetic Act so as to provide for the regulation of the use of coal tar coloring for the outside of certain oranges.

21. LEGISLATIVE PROGRAM. Sen. Johnson announced that the calendar will be called on Mon., and there may be a Sat. session if action on the mutual security bill is not completed today. pp. 10187, 10227

ITEMS IN APPENDIX

22. FARM PROGRAM. Rep. Hayworth criticized the administration's farm program and inserted a Democratic Digest article, "Backing and Filling With Ike and Ezra." p. A5101

23. FOREIGN AID. Sen. Sparkman inserted a newspaper article, "Foreign Aid Needs More Study." p. A5104

Rep. Miller, Neb., inserted a newspaper editorial commenting on an article written by Raymond Cartier of France who concludes that "there would be less

anti-Americanism in the world if America abandoned its philanthropic aspirations, its vocation of Santa Claus, its transcendental morality, all its missionary trappings, all its Boy Scout gear, and if, at last, it followed openly and intelligently the policy of its own interest." p. A5123

24. TEXTILES. Rep. Roberts inserted Donal Comer's, chairman of Avondale Mills, Inc., letter addressed to Gov. Sherman Adams pointing out the economic deprivation being suffered in the textile industry caused by the heavy, uncontrolled import of textiles from Japan. p. A5107

25. REA. Rep. Thompson, La., commended "the rural electrification program which is vital to the comfort, progress, and general welfare of so many..." and inserted a Southwest Louisiana Electric Membership Corp. resolution on this subject. p. A5111

26. FARM PRICES. Rep. Ostertag inserted an editorial, "Rising Farm Parity Ratio," and stated that "the editorial calls attention to the fact that the decline in farm prices, which began during the Truman administration, and continued, through at a far slower rate, under this administration, has at last been reversed." p. A5119

27. DAIRY; RESEARCH. Sen. Thye inserted an editorial paying tribute to Dr. William G. Petersen, a dairy scientist, of the University of Minnesota. p. A5123

BILLS INTRODUCED

28. POULTRY INSPECTION. H. R. 12016, by Rep. Anfuso, to provide for the compulsory inspection of poultry and poultry products so as to prohibit the movement in interstate of foreign commerce of unsound, unhealthful, diseased, unwholesome, or adulterated poultry or poultry products; to Agriculture Committee.

29. GRAIN STORAGE. H. R. 12030, by Rep. Vanik, to amend the Internal Revenue Code of 1954 to terminate for future construction the deductions for amortization of emergency facilities and grain-storage facilities; to Ways and Means Committee.

BILLS APPROVED BY THE PRESIDENT

30. APPROPRIATIONS. H. R. 9739, the Independent Offices Appropriation Act for 1957. The Act includes funds for the Civil Service Commission, Federal Civil Defense Administration, the President's disaster relief fund, Federal Power Commission, Federal Trade Commission, General Accounting Office, General Service Administration, Housing and Home Finance Agency, Interstate Commerce Commission, National Science Foundation, Selective Service System, and Veterans' Administration. Approved June 27, 1956 (Public Law 623, 84th Congress).

31. APPROPRIATIONS. H. R. 11473, the Legislative Branch Appropriation Act for 1957. The Act also provides funds for the Botanic Garden, Library of Congress, and Government Printing Office. Approved June 27, 1956 (Public Law 624, 84th Congress).

PRINTED HEARINGS RECEIVED IN THIS OFFICE

32. WATER RESOURCES; ELECTRIFICATION. Commission on Organization of the Executive Branch of the Government (Water Resources and Power Report). Part IX - Chicago, Ill. House Government Operations Committee.

countries (p. 10356); and by Sen. Smathers to authorize $35 million for a special economic development fund for Latin America (p. 10372).

16. GOVERNMENT SECURITY. The Government Operations Committee reported without amendment S. J. Res. 182, to extend the time for filing the final report of the Government Security Commission to June 30, 1957 (S. Rept. 2385). p. 10303

Sen. Humphrey criticized the handling of security cases by this Department and inserted two newspaper articles on the matter. p. 10388

17. PUBLIC LANDS. Agreed to a motion of Sen. Case to reconsider the vote by which the amendments of the House to S. 1622, authorizing the Secretary of the Interior to make payment for certain improvements located in public lands in the Rapid Valley unit, S. Dak., of the Missouri River Basin project, were agreed to. Disagreed to one House amendment and conferees were appointed. p. 10313

The Interior and Insular Affairs Committee Subcommittee on Public Lands ordered reported to the full committee with amendments S. 3458, to grant leaves of absence to homestead entrymen and to permit suspension of cultivation and improvement operations on homestead and desert-land entries. p. D711

18. FOOD AND DRUG; MEAT INSPECTION. Sen. Humphrey spoke in commemoration of the 50th anniversary of the Food and Drug Act and the Meat Inspection Act, and inserted a magazine article regarding this anniversary. p. 10384

19. MARKETING. The Labor and Public Works Committee reported without amendment H. R. 7732, to amend the Federal Food, Drug, and Cosmetic Act so as to provide for the regulation of the use of coal tar coloring for the outside of certain oranges (S. Rept. 2391) p. 10394

20. ELECTRIFICATION. The Joint Committee on Atomic Energy reported without amendment S. 4146, to provide for a Civilian Atomic Power Acceleration Program (S. Rept. 2390) p. 10394

21. PUBLIC DEBT. The "Daily Digest" states that the Finance Committee "approved without amendment" H. R. 11740, providing for a temporary increase in the public debt by $3 billion. p. D711

22. ADJOURNED until Mon., July 2. p. 10423

ITEMS IN APPENDIX

23. ATOMIC ENERGY. Sen. Anderson inserted three addresses delivered by Robert McKinney, editor of the Santa Fe New Mexican, describing the peaceful uses of atomic energy as an instrument of international relations, and the research being done in the agricultural field. pp. A5126, A5131, A 5132

24. ELECTRIFICATION; RECLAMATION. Sen. Watkins inserted an American Farm Bureau Federation statement favoring the development of the power resources of Hells Canyon reaches of the Snake River as approved by the Federal Power Commission. p. A5130

Rep. Miller, Neb., defended his record on public power and reclamation and refuted certain charges made against him. p. A5144

Rep. Coon inserted a Baker County, Oreg., Chamber of Commerce resolution opposing the proposed Hells Canyon project. p. A5146

25. FOREIGN AID. Rep. Krueger discussed the foreign aid bill, stated that billions "have not checked communism," and that "when we review the billions that have been spent abroad on these questionable programs, then I cannot see how anyone can take issue with Government spending here at home." p. A5137

Rep. Bentley inserted a newspaper article, "Effects of United States Foreign Aid--Monetary Gifts Seen Socializing Earnings of Private Enterprise." p. A5139

26. FAMILY FARMS. Sen. Thye inserted Alfred Stedman's article, "Slighted Story," describing "an off-the-farm movement that has become widespread from the less productive or marginal land areas of the U. S." and stating that it is generated by opportunities of farming people to help themselves by finding better jobs in industry and that it is a move for betterment and for higher standards of living. p. A5147

27. FARM PROGRAM. Sen. Kefauver inserted a newspaper article, "Democrats Reverse 1952 In Stunning Victory--Eisenhower, Hall, Benson Defeated In Poll," describing the feelings of farmers polled in the Kansas farm belt. p. A5154

BILLS INTRODUCED

28. PERSONNEL. H. R. 12052, Rep. Davis, to amend the Civil Service Retirement Act of May 29, 1930, to allow credit for certain service rendered States or instrumentalities thereof, to Post Office and Civil Service Committee.

H. R. 12053, by Rep. Davis, to provide for the reorganization of the safety functions of the Federal Government, to Education and Labor Committee.

H. R. 12054, by Rep. Gubser and H. R. 12055, by Rep. Moss, to establish a system for the classification and compensation of scientific and professional positions in the Government, to Post Office and Civil Service Committee.

29. DISASTER RELIEF. H. R. 12056, by Rep. Moss, a bill relating to the amount deductible for income-tax purposes in the case of losses of commercial fruit and nut trees in a major disaster; to Ways and Means Committee. Remarks of author, p. A5136

30. INFORMATION. H. R. 12063, by Rep. Reuss, to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies of names, emblems, and insignia to indicate Federal agency; to Judiciary Committee.

31. FLAG. H. R. 12065, by Rep. Tumulty, to amend the law in force with respect to the display and use of the flag of the United States; to Judiciary Committee.

32. ATOMIC ENERGY. H. R. 12061, by Rep. Holifield and S. 4146, by Sen. Gore (for himself Sen. Anderson, Sen. Jackson and Sen. Pastore), a bill providing for a civilian atomic power acceleration program; to Joint Committee on Atomic Energy.

BILLS APPROVED BY THE PRESIDENT

33. ROADS. H. R. 10660, the Federal-Aid Highway Act of 1956. The act authorizes the appropriation of $125 million in addition to other sums authorized for fiscal year 1957, $850 million for fiscal year 1958, and $875 million for fiscal year 1959 for the purpose of carrying the provisions of the Federal aid highway and road program; authorizes the appropriation of $30 million for Forest Highways, and $27 million for forest roads and trails for each of the fiscal year ending June 30, 1958 and June 30, 1959; eliminates the necessity for apportioning funds authorized for forest development roads among the several

Calendar No. 2414

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2391

AMENDING SECTION 406 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO THE ARTIFICIAL COLORING OF ORANGES

JUNE 29, 1956.—Ordered to be printed

Mr. MURRAY, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany H. R. 7732]

The Committee on Labor and Public Welfare, to whom was referred the bill (H. R. 7732), to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to permit the orange industry to continue for a maximum period of 3 years (until March 1, 1959) the long-established practice of artificially coloring with a coal-tar color designated as "FD&C Red 32" oranges which are ripe but whose skins do not have the characteristic orange color. The standards of maturity which such oranges must meet are established by the law of the States in which the oranges are grown.

This practice has become an economic necessity for a major segment of the orange industry, since large quantities of oranges grown in Florida and Texas would meet with strong consumer resistance if they are not artificially colored. Oranges so colored are plainly stamped "color added" so that the buying public is fully apprised of this fact.

The Food and Drug Administration does not object to the enactment of the bill.

The need for this legislation arises because the only coal-tar color suitable for coloring oranges (F. D. & C. Red 32) has been stricken from the approved list by the Food and Drug Administration. The Administration, after public hearing, concluded that this particular coal-tar color was not harmless but was toxic, and that under present

law the Administration could not list this color as "harmless and suitable for use in food" although the Administration testified before the committee that the scientific evidence so far available does not establish any likelihood of injury to man from use of this color on the exterior of oranges at the levels of use presently employed.

The bill further provides that the continued authority to use F. D. & C. Red 32 is limited to oranges which are not intended for processing with the exception of oranges designated by the trade as "packing-house elimination." The latter term is understood by the industry to mean oranges originally not intended for processing but which are sent to processing plants after they have been colored because for some reason they are not considered suitable for sale as raw fruit.

F. D. & C. Red 32 was introduced for the purpose of coloring in the midthirties. This color was first placed on the approved list early in 1939 and has been certified since that time for food use. Prior to certification, use of this color on oranges was permitted under a special proviso of section 402 (c) of the Federal Food, Drug, and Cosmetic Act.

The order of the Secretary of Health, Education, and Welfare removing this color and two other coal-tar colors from the approved list was published on November 16, 1955.

Under existing law (sec. 402 (c) of the Federal Food, Drug, and Cosmetic Act), a food bearing a coal-tar color is adulterated unless the color is from a certified batch. The Department is authorized to list only those coal-tar colors "which are harmless and suitable for use in food," and to "provide for the certification of such [listed] colors with or without harmless diluents."

The order of the Secretary was based on the Department's conclusion, reached after a public hearing and on the basis of a public record and detailed findings of fact, that FD&C Red 32 was not a harmless color, but a toxic one, and hence was not eligible for listing and certification under the law.

The effect of this order is to ban as an adulterated food color-added oranges.

The order of November 16, 1955, has been attacked in three courts of appeals: (1) The Certified Coal Tar Color Industry Committee petitioned for review of the entire order in the second circuit, and the case is pending before the court; (2) Eli Lilly & Co. petitioned for review in the seventh circuit seeking to set the order aside as it affects use of the colors in drug products; and (3) Florida and Texas orange growers petitioned for review in the Court of Appeals for the Fifth Circuit challenging the order insofar as it prevents use of Red 32 for coloring the skins of oranges. In this case the Government and the petitioners agreed to an order to maintain the status quo, the effect of which is to permit continued certification and use of Red 32 in coloring mature oranges for a temporary period until the case can be argued and decided.

Since the color is an economic necessity and since, according to the testimony of the Food and Drug Administration, the evidence so far available does not establish any likelihood of injury to man from the minute amount of this coal-tar color which might find its way into man's diet from his use of colored oranges, the committee believes that temporary legislation should be enacted to permit continued use of the color for coloring the skin of mature oranges generally not intended for processing.

However, the committee concluded that this legislation should be limited to a maximum period of 3 years. This will allow time for the necessary scientific studies in the development of a harmless synthetic color. The committee received testimony that these studies are well underway and promise to yield good results. The bill, as amended, will also allow time for the further exploration of the toxicity of FD&C Red 32. Before a final conclusion about the precise toxicity of this color can be drawn, it is necessary to conduct comprehensive, scientific studies of chronic toxicity with laboratory animals over their life span. This will involve feeding tests at levels relating to the quantities of the color that might enter man's diet from his consumption of colored oranges. Such tests and studies will require approximately 3 years and the industry is expected to make these studies during this period.

Inasmuch as the judicial proceedings referred to above have not as yet been concluded, the committee wants to make it clear that if it is finally judicially determined that the Secretary of the Department of Health, Education, and Welfare already has the power to certify FD&C Red No. 32 for use on the exterior of oranges, the instant legislation is not intended to limit or modify that power.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 402 (c) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED

ADULTERATED FOOD

SEC. 402. A food shall be deemed to be adulterated—(a) * * *

* * * * * * *

(c) If it bears or contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 406: *Provided,* That this paragraph shall not apply to citrus fruit bearing or containing a coal-tar color if application for listing of such color has been made under this Act and such application has not been acted on by the Secretary, if such color was commonly used prior to the enactment of this Act for the purpose of coloring citrus fruit: *Provided further, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as "packinghouse elimination"), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as FD&C Red 32, or certified after such enactment as External D&C Red 14 in accordance with 21 Code of Federal Regulations, Part 9: And provided further, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406.*

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Calendar No. 2414

84TH CONGRESS
2D SESSION

H. R. 7732

[Report No. 2391]

IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, APRIL 9), 1956
Read twice and referred to the Committee on Labor and Public Welfare

JUNE 29, 1956
Reported by Mr. MURRAY, without amendment

AN ACT

To amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further,* That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packing house elimination'), the skins of which have been colored at any time

prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as F. D. & C. Red 32, or certified after such enactment as External D. & C. Red 14 in accordance with section 21, Code of Federal Regulations, part 9: *And provided further,* That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406".

Passed the House of Representatives April 16, 1956.

Attest: RALPH R. ROBERTS,

Clerk.

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84TH CONGRESS
2D SESSION

H. R. 7732

[Report No. 2391]

AN ACT

To amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges.

APRIL 18 (legislative day, APRIL 9), 1956
Read twice and referred to the Committee on Labor and Public Welfare

JUNE 29, 1956
Reported without amendment

H. R. 7732

AN ACT

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 3, 1956
For actions of July 2, 1956
84th-2nd, No. 110

CONTENTS

HIGHLIGHTS: Senate committees reported bills to increase debt limit and provide for Presidential appointments and Senate confirmation of chief legal officers. Senate passed bills to: Celebrate anniversary of conservation movement. Transfer Puerto Rican hurricane loans to USDA. Ready for President. Regulate orange coloring. Ready for President. Senate made Public Law 480 bill its unfinished business. (Continued on page 8)

SENATE

1. PUBLIC DEBT. The Finance Committee reported without amendment H. R. 11740, to provide for a $3 billion increase in the public-debt limit for the fiscal year 1957 (S. Rept. 2398). p. 10426

2. LEGAL OFFICERS. The Government Operations Committee reported with amendments S. 4076, to provide for Presidential appointment and Senate confirmation of certain chief departmental legal officers (S. Rept. 2397). p. 10426

3. CONSERVATION. Passed as reported S. J. Res. 139, to provide for the observance and commemoration of the 50th anniversary of the first conference of State governors for the protection of the natural resources of the U. S. p. 10442

4. FARM LOANS. Passed without amendment H. R. 8385, to transfer from Interior to Agriculture the collection of certain Puerto Rican hurricane loans. This bill will now be sent to the President. p. 10449

5. ORANGE COLORING. Passed without amendment H. R. 7732, to amend the Federal Food, Drug, and Cosmetic Act to regulate the coloring of oranges. This bill will now

be sent to the President. p. 10456

6. APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 671, to make temporary appropriations in connection with 1957 appropriation measures which have not yet been enacted, including mutual security items in an amount of $200 million. The measure had been reported by the House Appropriations Committee earlier in the day (H. Rept. 2550). This measure will now be sent to the President. pp. 10462, 10496, 10560

7. TEXTILE IMPORTS. The Finance Committee reported with amendments S. Res. 236, to direct the Tariff Commission to investigate whether imports of textiles or textile products are affecting injuriously the domestic industry (S. Rept. 2401). p. 10426

8. PERSONNEL; EXPENDITURES. The Joint (Byrd) Committee on Reduction of Nonessential Federal Expenditures submitted its report for May 1956. p. 10426

9. FORESTRY. Passed as reported S. 3743, to add certain national forest land to the Lassen Volcanic National Park, Calif. p. 10434

Discussed and, at the request of Sen. Bible, passed over H. R. 5712, to provide that the U. S. hold in trust for the Pueblos of Zia and Jemez a part of the Ojo del Espiritu Santo grant and a small area of public domain adjacent thereto, including certain title 3 Bankhead-Jones lands. p. 10434

10. PUBLIC LANDS. Passed H. R. 10504, to allow a homesteader settling on unsurveyed public land in Alaska to make single final proof prior to survey of the lands, with an amendment to substitute the language of S. 3665 as reported. p.10438

11. TRADE PRACTICES. Passed with amendments S. 2017, to amend the Criminal Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate Federal agency. pp. 10449, 10455

Discussed and, at the request of Sen. Johnston, passed over S. 2891, to amend the Criminal Code so as to prohibit the use by certain businesses of the initials "U. S." in the business or firm or pictures of the Capitol building and other U. S. public buildings in their advertising. p. 10455

12. RECLAMATION. Sen. Neuberger inserted and commended editorials favoring reclamation projects. p. 10431

Passed without amendment H. R. 6643, to amend the reclamation laws to provide that excess lands acquired by foreclosure or inheritance may receive water temporarily for 5 years. This bill will now be sent to the President. p.10452

Passed as reported S. 2217, to provide for transfer of title to irrigation distribution systems constructed under the Federal reclamation laws upon completion of repayment of the costs thereof. p. 10452

Sen. Watkins inserted an article by F. P. Champ opposing the Hells Canyon Dam. p. 10465

13. TRANSPORTATION. Passed without amendment S. 2145, providing for revision and printing of a compilation of Federal laws relating to regulation of carriers subject to the Interstate Commerce Act. p. 10453

14. WATER RESEARCH. Sen. Watkins spoke in favor of additional research in converting salt water to fresh water and inserted an article regarding construction of a conversion plant in Aruba. p. 10464

15. ATOMIC ENERGY. Sen. Anderson spoke in favor of legislation to provide for additional peacetime uses of atomic energy. p. 10487

The PRESIDING OFFICER. The bill will be passed over.

BILLS PLACED AT FOOT OF CALENDAR

The bill (H. R. 7732) to amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PURTELL. Mr. President, with respect to Calendar No. 2414 and Calendar No. 2415, I ask that both measures go over.

Mr. HOLLAND. Mr. President, will the Senator withhold his objection for the moment?

Mr. PURTELL. I shall be happy to do so.

Mr. HILL. Mr. President, does the Senator raise the same objection, that he has not received a copy of the report?

Mr. PURTELL. That is correct.

Mr. HILL. It may be that the reports have not been placed in the compilation of bills and reports on the Senator's desk, but reports on these bills were issued by the committee. The Senator from Connecticut will recall that H. R. 7732, Calendar No. 2414, was reported by the Committee on Labor and Public Welfare, of which he is a distinguished member, on Thursday last. The reports on these bills are available. I have before me a copy of the report on House bill 7732.

Mr. PURTELL. A report has just been handed to me. However, we did not have a copy of the report before the Calendar Committee when it was considering these bills. The Calendar Committee consists of three Senators. However, some measures have been placed at the foot of the calendar, and perhaps between now and the time those measures are considered, we may be able to read the report on H. R. 7732, and we can then remove any objection to the consideration of the bill. Therefore, Mr. President, I will ask that the bills to which I have referred be placed at the foot of the calendar.

The PRESIDING OFFICER. Is the Senator referring now to Calendar No. 2414, H. R. 7732, and Calendar No. 2415, Senate bill 3875?

Mr. PURTELL. That is correct.

The PRESIDING OFFICER. Without objection, both bills will be placed at the foot of the calendar.

WAR-RISK HAZARD AND DENTENTION BENEFITS

The bill (H. R. 11802) to continue the effectiveness of the act of December 2, 1942, as amended, and the act of July 28, 1945, as amended, relating to war-risk hazard and detention benefits until July 1, 1957, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3956) to amend the Fair Labor Standards Act of 1938, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ERVIN. Pursuant to a request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

That completes the regular call of the calendar.

The Senate will now proceed to the consideration of measures which have been placed at the foot of the calendar. The first measure will be stated.

PROHIBITION OF MISUSE OF NAMES, EMBLEMS, AND INSIGNIA TO INDICATE FEDERAL AGENCY

The bill (S. 2017) to amend title 18 of the United States Code, so as to prohibit the misuse by collecting agencies of names, emblems, and insignia to indicate Federal agency was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BIBLE. Mr. President, I ask that both Calendar No. 2374, S. 2017, and Calendar No. 2375, S. 2891 go over to the next call of the calendar, to be called then. There is a difference in the penalty clauses of the two bills. We are in favor of the proposed legislation; we believe it should be passed. However, we believe the bills should be reexamined and an effort made to bring the two penalty provisions into harmony.

Therefore I ask that both measures go over to the next call of the calendar, to be called on the next call of the calendar.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. JOHNSTON of South Carolina. The suggestion has been made that we strike out the 10-year penalty provision and insert a 1-year penalty provision in lieu thereof.

Mr. BIBLE. If we can perfect amending language so as to have a 1-year prison sentence imposed by S. 2017, we certainly have no objection to the present consideration of the bill.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. BIBLE. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar 2374, S. 2017?

There being no objection, the Senate proceeded to consider the bill (S. 2017) to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies of names, emblems, and insignia to indicate Federal agency, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "agencies", to insert "or private detective agencies"; in line 9, after the word "obligations", to insert "or being engaged in furnishing private police, investigation or other private detective services"; on page 2, after line 11, to insert:

SEC. 2. The provisions of this section shall become effective 60 days from the enactment thereof.

At the beginning of line 14, to change the section number from "2" to "3"; and in the material following line 17, after the word "agencies", to insert "or private detective agencies", so as to make the bill read:

Be it enacted, etc., That chapter 33 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 712. Misuse of names by collecting agencies or private detective agencies to indicate Federal agency.

"Whoever, being engaged in the business of collecting or aiding in the collection of private debts or obligations, or being engaged in furnishing private police, investigation, or other private detective services, uses as part of the firm name of such business, or employs in any communication, correspondence, notice, advertisement, or circular the words "national", "Federal", or "United States", the initials "U. S.", or any emblem, insignia, or name, for the purpose of conveying and in a manner reasonably calculated to convey the false impression that such business is a department, agency, bureau, or instrumentality of the United States or in any manner represents the United States, shall be fined not more than $10,000 and imprisoned not more than 10 years, or both.".

SEC. 2. The provisions of this section shall become effective 60 days from the enactment thereof.

SEC. 3. The analysis of chapter 33 of title 18 of the United States Code which immediately precedes section 701 of such title is amended by adding at the end thereof the following:

"SEC. 712. Misuse of names by collecting agencies or private detective agencies to indicate Federal agency."

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JOHNSTON of South Carolina. Mr. President, I offer an amendment to perfect the bill further, by striking the words "ten years," on page 2, line 10, and inserting in lieu thereof the words "one year."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. BIBLE. As I understand, the adoption of the amendment brings the provisions of the bill into conformity with the provisions of Calendar No. 2375, S. 2891.

Mr. JOHNSTON of South Carolina. That is correct.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate Federal agency."

PROHIBITION AGAINST THE USE OF THE INITIALS "U. S." IN ADVERTISING BY PRIVATE FIRMS

The bill (S. 2891) to amend section 709 of title 18 of the United States Code so as to prohibit the use by certain businesses of the initials "U. S." in the busi-

ness or firm name or pictures of the Capitol Building and other public buildings of the United States in their advertising and to increase the penalties for violation of such section was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HRUSKA. Mr. President, I have no objection to the bill; the objectives of the bill are worthy. However, my concern is with respect to corporations in businesses now in existence which are using the initials "U. S." and have been doing so for many years. I should like to ask what provision has been made so that the proposed legislation will not adversely affect such businesses.

Mr. JOHNSTON of South Carolina. The law which this bill amends provides that it is not unlawful to use a name lawful when the section was enacted; so there is time for them to get their house in order and to abide by the law.

Mr. HRUSKA. I suppose consideration has been given to the fact that they have used the names for many years and provision has been made for that fact.

Mr. JOHNSTON of South Carolina. Those who are legitimately carrying on their business are not affected at all, but there are some who have the purpose of trying to make it appear that they are carrying on a legitimate business.

Mr. HRUSKA. I think the purpose of the bill is commendable, and I am glad that it provides for that type of contingency.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARRETT. Mr. President, reserving the right to object, I am not quite clear whether the bill is retroactive. It seemed to me that the explanation given by the Senator from South Carolina was to the effect that certain time would be given to corporations which had been organized and incorporated and were authorized to use the words.

Mr. JOHNSTON of South Carolina. We are now dealing with Calendar No. 2375, Senate bill 2891.

Mr. BARRETT. It prohibits the use by certain businesses of the initials "U. S." My question is whether or not corporations which have heretofore been organized and authorized to use the letters "U. S." are by this measure precluded from further use of those letters?

Mr. JOHNSTON of South Carolina. The answer is "No." But I think it is advisable that I read at this time a statement on the bill in order to clarify the matter:

This proposed legislation enlarges the prohibition against false and misleading advertising by investment and bank companies.

It prohibits the use of the initials "U. S." in the firm or business name of such companies and the use of pictures of the Capitol or other public buildings in the advertising of such companies when such advertising would be reasonably calculated to convey the false impression that the company had some connection with, or was insured by, the U. S. Government.

Section 709 of title 18, United States Code, now prohibits use of the words "National," "Federal," United States," "Reserve," or "Deposit Insurance," as a part of a business or firm name engaged in certain specified types of business. Violators are subject to the general penalty provisions under the section of a maximum fine of $1,000 and the maximum imprisonment of 1 year. It seemed apparent to the committee that legislation prohibiting use of the words "United States" was not entirely effective as long as a firm could use the initials "U. S." and thereby convey the impression that it had the backing of the Federal Government.

The Congress in approving the original statute has indicated its desire to avoid the use of the words by certain businesses which may reasonably be calculated to deceive the unwary. The present legislation is an extension of the earlier action taken by the Congress.

The Department of Justice in its report preferred to make no recommendation on the legislation since it constitutes a question of policy, but the Department did raise a question with respect to the increase of the penalty provided. Consequently, the committee amended the bill so that the only increase in punishment for violation would be the possible maximum fine of $10,000. Otherwise, the penalty provisions remain as they are in the present law. The committee thought that the increase in the maximum fine represents a more suitable deterrent for the violation outlined in section 709.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ERVIN. Mr. President, reserving the right to object, the bill provides:

Whoever as a person, corporation, partnership, business trust, association, or other business entity, engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings, or trust business, except as permitted by the laws of the United States, (1) uses the words "National," "Federal," United States," "Reserve," "Deposit Insurance," or the letters "U. S.," as part of the business or firm name of such person, corporation, partnership, business trust, association or other business entity—

And so forth. What effect would that have on national banks? All national banks use the word "national" in their name.

Mr. JOHNSTON of South Carolina. Mr. President, this bill has no reference to national banks at all.

Mr. ERVIN. Does the Senator contend that this classification would relieve them from the provisions of the bill?

Mr. BARRETT. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. BARRETT. The inquiry occurs to me, what about United States national——

Mr. JOHNSTON of South Carolina. Mr. President, I request that the bill go over to the next call of the calendar, if there is any question at all about it.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF TITLE TO CERTAIN LANDS TO THE CARLSBAD IRRIGATION DISTRICT, NEW MEXICO

The bill (S. 3482) to provide for transfer of title of certain lands to the Carlsbad Irrigation District, New Mexico, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the Carlsbad Irrigation District, Carlsbad, N. Mex., at no cost to the district, all rights, title, and interest of the United States in and to the following described land situated in Eddy County, State of New Mexico: lots 1 and 3, block 43; Stevens addition to the town of Eddy, now city of Carlsbad, Eddy County, N. Mex., located at the corner of Fox and Canal Streets in the city of Carlsbad, N. Mex.

ARTIFICIAL COLORING OF ORANGES

The bill (H. R. 7732) to amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges was considered, ordered to a third reading, read the third time, and passed.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the portion of the report of the committee, from the beginning to the middle of page 3.

There being no objection, an extract from the report (No. 2391) was ordered to be printed in the RECORD, as follows:

The Committee on Labor and Public Welfare, to whom was referred the bill (H. R. 7732), to amend section 406 of the Federal Food, Drug, and Cosmetic Act (Public Law 717, 75th Cong.), as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to permit the orange industry to continue for a maximum period of 3 years (until March 1, 1959) the long-established practice of artificially coloring with a coal-tar color designated as "F. D. & C. Red 32" oranges which are ripe but whose skins do not have the characteristic orange color. The standards of maturity which such oranges must meet are established by the law of the States in which the oranges are grown.

This practice has become an economic necessity for a major segment of the orange industry, since large quantities of oranges grown in Florida and Texas would meet with strong consumer resistance if they are not artificially colored. Oranges so colored are plainly stamped "color added" so that the buying public is fully apprised of this fact.

The Food and Drug Administration does not object to the enactment of the bill.

The need for this legislation arises because the only coal-tar color suitable for coloring oranges (F. D. & C. Red 32) has been stricken from the approved list by the Food and Drug Administration. The Administration, after public hearing, concluded that this particular coal-tar color was not harmless but was toxic, and that under present law the Administration could not list this color as "harmless and suitable for use in food" although the Administration testified before the committee that the scientific evidence so far available does not establish any likelihood of injury to man from use of this color on the exterior of oranges at the levels of use presently employed.

The bill further provides that the continued authority to use F. D. & C. Red 32 is limited to oranges which are not intended for processing with the exception of oranges designated by the trade as "packing-house elimination." The latter term is understood by the industry to mean oranges originally not intended for processing but which are sent to processing plants after they have been colored because for some reason they are not considered suitable for sale as raw fruit.

F. D. & C. Red 32 was introduced for the purpose of coloring in the midthirties. This color was first placed on the approved list early in 1939 and has been certified since that time for food use. Prior to certification, use of this color on oranges was permitted under a special proviso of section 402 (c) of the Federal Food, Drug, and Cosmetic Act.

The order of the Secretary of Health, Education, and Welfare removing this color and two other coal-tar colors from the approved list was published on November 16, 1955.

Under existing law (sec. 402 (c) of the Federal Food, Drug, and Cosmetic Act), a food bearing a coal-tar color is adulterated unless the color is from a certified batch. The Department is authorized to list only those coal-tar colors "which are harmless and suitable for use in food," and to "provide for the certification of such [listed] colors with or without harmless diluents."

The order of the Secretary was based on the Department's conclusion, reached after a public hearing and on the basis of a public record and detailed findings of fact, that F. D. & C. Red 32 was not a harmless color, but a toxic one, and hence was not eligible for listing and certification under the law.

The effect of this order is to ban as an adulterated food color-added oranges.

The order of November 16, 1955, has been attacked in three courts of appeals: (1) The Certified Coal Tar Color Industry Committee petitioned for review of the entire order in the second circuit, and the case is pending before the court; (2) Eli Lilly & Co. petitioned for review in the seventh circuit seeking to set the order aside as it affects use of the colors in drug products; and (3) Florida and Texas orange growers petitioned for review in the Court of Appeals for the Fifth Circuit challenging the order insofar as it prevents use of Red 32 for coloring the skins of oranges. In this case the Government and the petitioners agreed to an order to maintain the status quo, the effect of which is to permit continued certification and use of Red 32 in coloring mature oranges for a temporary period until the case can be argued and decided.

Since the color is an economic necessity and since, according to the testimony of the Food and Drug Administration, the evidence so far available does not establish any likelihood of injury to man from the minute amount of this coal-tar color which might find its way into man's diet from his use of colored oranges, the committee believes that temporary legislation should be enacted to permit continued use of the color for coloring the skin of mature oranges generally not intended for processing.

However, the committee concluded that this legislation should be limited to a maximum period of 3 years. This will allow time for the necessary scientific studies in the development of a harmless synthetic color. The committee received testimony that these studies are well underway and promise to yield good results. The bill, as amended, will also allow time for the further exploration of the toxicity of F. D. & C. Red 32. Before a final conclusion about the precise toxicity of this color can be drawn, it is necessary to conduct comprehensive, scientific studies of chronic toxicity with laboratory animals over their life span. This will involve feeding tests at levels relating to the quantities of the color that might enter man's diet from his consumption of colored oranges. Such tests and studies will require approximately 3 years and the industry is expected to make these studies during this period.

Inasmuch as the judicial proceedings referred to above have not as yet been concluded, the committee wants to make it clear that if it is finally judicially determined that the Secretary of the Department of Health, Education, and Welfare already has the power to certify F. D. & C. Red 32 for use of the exterior or oranges, the instant legislation is not intended to limit or modify that power.

AMENDMENT OF VOCATIONAL REHABILITATION ACT, AS AMENDED

The bill (S. 3875) to amend section 4 (a) of the Vocational Rehabilitation Act, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That clause (2) of section 4 (a) of the Vocational Rehabilitation Act, as amended (68 Stat. 655), is hereby amended to read as follows:

"(2) for planning, preparing for, and initiating, during the fiscal year ending June 30, 1955, and the fiscal years ending June 30, 1956, and June 30, 1957, a substantial nationwide expansion of vocational rehabilitation programs in the States."

The PRESIDING OFFICER. That completes the call of the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House insisted upon its amendment numbered 2 to the bill (S. 1622) to authorize the Secretary of the Interior to make payment for certain improvements located on public lands in Rapid Valley unit, South Dakota, of the Missouri River Basin project, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FORRESTER, Mr. DONOHUE, and Mr. MILLER of New York were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the resolution (H. J. Res. 592) for the relief of certain aliens.

The message further announced that the House had agreed to the amendments of the Senate to each of the following joint resolutions of the House:

H. J. Res. 605. Joint resolution for the relief of certain aliens; and

H. J. Res. 611. Joint resolution for the relief of certain relatives of United States citizens.

The message also announced that the House had passed a joint resolution (H. J. Res. 671) making temporary appropriations for the fiscal year 1957, and for other purposes, in which it requested the concurrence of the Senate.

BENEFITS FOR SURVIVORS OF SERVICEMEN AND VETERANS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 7089) to provide benefits for the survivors of servicemen and veterans, and for other purposes.

Mr. MANSFIELD obtained the floor.

Mr. BIBLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. Would the Senator have any objection to a quorum call at this time?

Mr. MANSFIELD. No.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum, with the understanding that the Senator from Montana will not lose his right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

REVIEW OF FOREIGN POLICY—VII. UNITED STATES POLICY AND A CHANGING EUROPE

Mr. MANSFIELD. Mr. President, as the Senate knows, I have been presenting during the current session a series of observations on the international situation. When I began this series some months ago, it seemed to me that a need existed for a general review of conditions throughout the world and the problems which these conditions pose for our foreign policy.

We have witnessed many changes in the international situation during the past year. If our foreign policy is to serve the peace and well-being of the United States, it must keep pace with these changes. It must be adjusted when and where the need for adjustment exists.

Essential adjustments are not likely to be made, however, without public understanding of the issues involved. Nor are they likely to be made unless the Government is willing to face these issues with perception, with honesty, and with courage.

The initiative for change in foreign policy must come largely from the executive branch because of the special obligations of the President in this connection. But we in Congress, especially in the Senate, are not without our own responsibilities under the Constitution to speak out, to advise, and to consent on foreign policy.

That thought has prompted this review of foreign policy. In previous remarks I have dealt with the situation in southeast Asia, north Africa, the Middle East, the Western Hemisphere, and the African Continent. In these addresses I have been attempting to bring to the attention of the Senate what I believed to be the essential facts respecting each region and the course which this country has followed in coping with those facts. Where possible, I have advanced suggestions in the hope that they might be helpful in improving our policies.

This series is now drawing to a close. Before completing it, I want to consider the areas which have beeen, in effect, the main concentrations of American policy during the past decade. One of these areas in Europe. It is the situation in that continent—the changing situation in that continent—that I wish to cover in my remarks today.

Our relations with Europe are of vital importance to us not only in themselves

but also in their influence on our policies elsewhere. I have discussed at length in previous statements how considerations arising out of the European situation color our policies in the Middle East, Africa, southeast Asia, and other areas. Sometimes, in my judgment, these adjustments of policy have been valid, or at least understandable, and in others they have not been. I shall not redescribe this interrelationship at length today. I believe it to be sufficient at this point merely to reemphasize the fact that we have not infrequently taken major positions elsewhere which we would probably not have taken except out of concern for the attitudes and interests of the countries of Western Europe. That such is the case is an indicator of the indirect significance of Europe in our total policy.

As for the importance of our direct relations with the European Continent. Members of the Senate are well aware that this country has participated in two major wars, both of which originated largely in crises in Europe. They know, too, that the bulk of our postwar expenditures for foreign aid have been directed to that continent and that some of our most extensive military commitments for mutual defense likewise have been undertaken in concert with the European nations.

It is obvious, therefore, that Europe lies close to the core of our foreign policy. There are many reasons why that is the case. To the extent that they are valid reasons, they add up to this: The freedom, the peace, and the well-being of this Nation can be profoundly—decisively—influenced by what transpires in the lands across the Atlantic.

I have no desire to revive the old and tattered debate as to whether Europe is more or less important than the Far East in our foreign relations or is equally as important. In any event, I intend to deal with the latter region at a later time. Let me say now, though, that in the modern world, for better or for worse, we cannot insulate this Nation against the tremendous impact of European developments on our security and well-being.

Just one example should suffice to demonstrate why that is so. Our budget for national defense this year is $40 billion. That is the sum which the American people take out of their earnings and their wages to support our Army, Navy and Air Force. It is a heavy burden, but we sustain it for the sake of the safety of the Nation.

We might well ask ourselves what that burden would be, what would come out of our earnings and wages for national defense, if the countries of Western Europe were not free, if they were not linked in peaceful ties with the United States. Suppose, instead, the great productive capacity, the skills, and the genius of that region had been impelled into a hostile totalitarian camp after World War II. What would be the levy on ourselves for national defense at the present time? $80 billion? Twice the present burden? Three times? Is it not probable that the levy would have also included the cost of a third World War and that we might now be living amid its ruins, if indeed we were living at all? When we become irked with the responsibilities of foreign policy and especially those which relate to Europe, these are some of the questions that we would do well to ask ourselves.

Nor is defense—mutual security—the sole basis for the great significance of Europe in our foreign relations. Are we so prosperous, so self-sufficient in an economic sense, that we can dismiss lightly an annual trade with Western Europe of $7.5 billion? How many jobs, what return to American industry and agriculture, does this trade represent?

Can we, finally, ignore the contribution in science, religion, and art which Europe has made and can continue to make to our national progress? To cite one specific example, how many years might it have taken for us to develop atomic energy without the work of Einstein, Fermi, and other European scientists? Without their contribution, would we have achieved atomic weapons before enemies bent on our destruction during World War II obtained them?

There is no need to labor the point, Mr. President. It is clear that many bonds, both visible and invisible, stretch across the ocean between Europe and America. They are, for the most part, useful and mutually helpful bonds. They may rub us uncomfortably and irritatingly at times. I have no doubt that the Europeans suffer similar adverse effects on occasion. Relations among nations are not much different in this respect than among human beings. If I may use a word which the Secretary of State has popularized in recent months, however, it is the "totality" of the relationship that counts.

Most Americans, I believe, are aware that in this totality, there is an important identity of interest between the European nations and the United States. Our foreign policy over the past decade has interpreted this awareness with great fidelity. The Marshall plan, the Berlin airlift, the North Atlantic Treaty Organization, the restoration of a free Western Germany within the Western community—these measures are the highlights of a policy that has continually expressed the deep interest, the enlightened self-interest, of this Nation in the survival and strengthening of a free Europe.

I am sure many mistakes have been made during the postwar period in carrying out our policy with respect to Europe, some noticed, some unnoticed. Mistakes will always be made so long as foreign relations continue to be conducted by human beings. It will be so with Democrats as well as with Republicans.

Let us by all means take reasonable precautions against mistakes, and recognize and correct them when they are made. But let us not become so obsessed with mistakes that we dry up the wellsprings of courage and initiative which this country must have to adapt itself to the international life of our times.

Nor should we in an unseemly eagerness to find fault with ourselves and others ignore the fact that the enormous achievements of past policy would not have been possible without some risk and irritation. Let us ask ourselves what our national position would now be if we had not dared to help the free European nations to recover from World War II. What would our situation be had we not interposed the strength of this country between an exhausted Europe and the expansionist dreams of the power-mad dictator to the east?

I believe the citizens of this country know that intelligent foreign policies over the past decade, mistakes and irritations notwithstanding, have done much to preserve freedom and peace in Western Europe and, in so doing, have served the deepest interests of the United States.

If doubts as to the effectiveness of our foreign policy are now developing, Mr. President, it is because there has appeared in this Government a tendency to seek refuge in the security of successful past policies rather than to explore the unknown of new policies, an exploration which is essential to meet the changing pattern of the international situation. The past can guide. It can provide a base on which to build. But foreign policies effective once do not remain effective forever. If they are to serve the interests of this Nation, they must remain a vital element in our national life. They may evolve out of the past, but they cannot idle in the past.

A policy that served the American people in 1945 was no longer entirely applicable in 1950. What was helpful in 1953 can be a hindrance in 1956 unless we adjust it to the realities of 1956.

These realities with respect to Europe are vastly different than they were just a short time ago. The European situation is changing, and it is changing rapidly. The changes, as I understand them, Mr. President, radiate from three principal geographic sources—from within Western Europe, from within the Soviet system in Western Europe, and from within the whole of Germany.

Our policies, however, have been slow to accept the fact of change in Europe. They have gone on in the old familiar patterns. It is only in recent weeks, with the Secretary of State in this country, that there have been signs of an awakening on the part of the executive branch to the need for adjustments. Unfortunately, the hour is already late.

Press correspondents and other observers have long been alert to the emergence of new trends in Europe and they have reported them accurately and promptly to the American public. Members of Congress have also noted these trends in their missions abroad. The executive branch, however, despite the vast and costly array of information-gathering facilities at its command, seems to be the last to learn the truth. I wonder sometimes at the efficacy of these facilities, or at least at the capacity of the responsible authorities in the executive branch to act on the information which they may supply.

In appraising the changes in Europe, Mr. President, I should like to turn first to the area which is of most direct concern to us, to Western Europe. Since the end of World War II our policy has been aimed at the preservation of free-

Public Law 672 - 84th Congress
Chapter 530 - 2d Session
H. R. 7732

AN ACT

To amend section 402 (c) of the Federal Food, Drug, and Cosmetic Act, with respect to the coloring of oranges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (c) of section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further*, That this paragraph shall not apply to oranges meeting minimum maturity standards established by or under the laws of the States in which the oranges were grown and not intended for processing (other than oranges designated by the trade as 'packing house elimination'), the skins of which have been colored at any time prior to March 1, 1959, with the coal-tar color certified prior to the enactment of this proviso as F. D. & C. Red 32, or certified after such enactment as External D. & C. Red 14 in accordance with section 21, Code of Federal Regulations, part 9: *And provided further*, That the preceding proviso shall have no further effect if prior to March 1, 1959, another coal-tar color suitable for coloring oranges is listed under section 406".

Oranges.
52 Stat. 1046.
21 USC 342.
70 Stat. 512.
70 Stat. 513.
21 CFR Part 9.
21 USC 346.

Approved July 9, 1956.

GPO 71139